

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

UNITED STATES EX REL. STEVEN J.  
HARTPENCE,  
*Plaintiff-Appellant,*

v.

KINETIC CONCEPTS, INC.; KCI-USA,  
INC.,  
*Defendants-Appellees.*

No. 12-55396

D.C. No.  
2:08-cv-01885-  
GHK-AGR

UNITED STATES EX REL. GERALDINE  
GODECKE,  
*Plaintiff-Appellant,*

v.

KINETIC CONCEPTS, INC.; KCI-USA,  
INC.,  
*Defendants-Appellees.*

No. 12-56117

D.C. No.  
2:08-cv-06403-  
GHK-AGR

ORDER

Filed December 3, 2014

**ORDER**

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3.