

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.