

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

ALLISON HAGER,
Petitioner-Appellee,

v.

**SECRETARY OF HEALTH AND HUMAN
SERVICES,**
Respondent-Appellant.

2011-5104

Appeal from the United States Court of Federal
Claims in case no. 01-VV-307, Judge Nancy B. Firestone.

ON MOTION

Before LOURIE, *Circuit Judge.*

ORDER

The Secretary of Health and Human Services moves to stay proceedings in this case pending the court's disposition of *Porter v. HHS*, No. 2010-5162 and *Knight ex rel. Rotoli v. HHS*, No. 2010-5163. Allison Hager opposes. The Secretary replies. The Secretary also moves without opposition for a 30-day extension of time to file its brief.

The Secretary asserts that there is a substantial overlap in the legal and factual issues between this case and *Porter* and *Rotoli*, that all three appeals arise out of a single decision of the United States Court of Federal Claims, and that the Court of Federal Claims' reasons for setting aside the special masters' decisions, and for crediting petitioners' medical theories, were virtually identical in all three cases.

The court notes that this court heard oral argument in *Porter* and *Rotoli* on August 2, 2011.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The Secretary is directed to inform the court within 30 days of the disposition of *Porter* and *Rotoli* how this appeal should proceed. Hager may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear *Porter* and *Rotoli*.

(3) The motion for an extension of time is moot.

FOR THE COURT

SEP 01 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Ronald C. Homer, Esq.
Sarang V. Damle, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 01 2011

JAN HORBALY
CLERK