

NOTE: This order is nonprecedential.

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

**STACY CARSON AND AMY CARSON,
AS LEGAL GUARDIANS FOR KIT CARSON,**
Petitioners-Appellants,

v.

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

2010-5089

Appeal from the United States Court of Federal
Claims in case no. 02-VV-873, Judge Mary Ellen Coster
Williams.

ON MOTION

Before PROST, *Circuit Judge.*

ORDER

The Secretary of Health and Human Services moves
for summary affirmance. The appellants oppose.

We deem it the better course to deny the motion and request the parties put their arguments in their briefs.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied. The appellants' opening brief is due within 30 days of the date of filing of this order.

FOR THE COURT

SEP 24 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: David P. Matthews, Esq.
Heather L. Pearlman, Esq.

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

SEP 24 2010

JAN HORBALY
CLERK