Nos. 09-6385/6413

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 27, 2011
LEONARD GREEN, Clerk

VENTAS, INC.,

Plaintiff-Appellee/Cross-Appellant,

v.

HCP, INC., FORMERLY KNOWN AS HEALTH CARE PROPERTY INVESTORS, INC.,

Defendant-Appellant/Cross-Appellee.

O R D E R

BEFORE: MERRITT, CLAY, and GRIFFIN, Circuit Judges.

The court having received a petition for rehearing en banc, and the petition having been circulated not only to the original panel members but also to all other active* judges of this court, and no judge of this court having requested a vote on the suggestion for rehearing en banc, the petition for rehearing has been referred to the original panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the cases. Accordingly, the petition is denied.

ENTERED BY ORDER OF THE COURT

Leonard Green, Clerk

* Judge Kethledge recused himself from participation in this ruling.