

NOTE: This order is nonprecedential.

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

**C. ROBERT SUESS, LEO SHERRY, RICHARD A.
GREEN, IRVING ROBERTS, ON BEHALF OF ALL
OTHER SHAREHOLDERS OF BENJAMIN
FRANKLIN FEDERAL SAVINGS AND LOAN
ASSOCIATION, PETER BAKER, BENJAMIN
FRANKLIN FEDERAL SAVINGS AND LOAN
ASSOCIATION, AND DONALD MCINTYRE,**
Plaintiffs- Appellants,

AND

FEDERAL DEPOSIT INSURANCE CORPORATION,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellee.

2011-5101

Appeal from the United States Court of Federal
Claims in 90-CV-981, Senior Judge Loren A. Smith.

ON MOTION

ORDER

The United States moves for reconsideration of that portion of this court's January 20, 2012 order granting a time extension for an "Answering Brief of [Federal Deposit and Insurance Corporation] Plaintiffs Appellee."

It appears that the court used the draft order submitted by the movant. That draft order stated that the time was extended for the appellant and the FDIC to file briefs. There was no reason to grant an additional extension of time for the FDIC, as it had already filed its brief.

Accordingly,

IT IS ORDERED THAT:

The motion for reconsideration is granted to the extent that the court clarifies that the FDIC is not entitled to file an additional brief.

FOR THE COURT

FEB 14 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Don S. Willner, Esq.
John M. Dorsey, III, Esq.
Jeanne E. Davidson, Esq.

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

FEB 14 2012

JAN HORBALY
CLERK