

NOTE: This order is nonprecedential.

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

2008-1562, 2009-1073, -1074, -1092, -1153

ALFRED T. FRASER,

Plaintiff-Appellant,

and

PAUL J. FRASER,

Plaintiff-Appellant,

v.

HIGH LINER FOODS (USA), INC.,

Defendant-Appellee,

and

VAN DE KAMPS, MRS. PAUL'S,  
and PINNACLE FOODS GROUP LLC,

Defendants-Appellees,

and

UNITED NATURAL FOODS, INC. (also known as Natural Sea),

Defendant-Appellee,

and

GORTONS and ROCHE BROS. SUPERMARKET, INC.,

Defendants-Appellees,

and

CONAGRA FOODS, INC.,

Defendant-Appellee,

and

GOOD HARBOR FILLET COMPANY, INC.  
and MIDSHIP SEAFOOD, INC.,

Defendants-Appellees.

Appeals from the United States District Court for the District of Massachusetts in case  
no. 06-CV-11644, Judge Rya W. Zobel.

ON MOTION

Before NEWMAN, Circuit Judge.

ORDER

High Liner Foods (USA), Inc., Van de Kamps et al., United Natural Foods, Inc., Gortons et al., ConAgra Foods, Inc., and Good Harbor Fillet Company, Inc. et al. move to consolidate the five above-captioned appeals or, in the alternative, move for an extension of time for the appellees to file their briefs. Alfred T. Fraser<sup>\*</sup> opposes and renews his motion for access to a tape recording of a hearing held in the United States District Court for the District of Massachusetts on February 21, 2008. The court treats the untimely briefs of Alfred Fraser and Paul Fraser in 2008-1562 as motions for extensions of time to file their briefs.

All five appeals arise from the same district court action. Thus, the court agrees that consolidation is appropriate.

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\* Alfred Fraser purports to submit filings on behalf of himself and Paul Fraser. However, Alfred Fraser cannot represent Paul Fraser or submit documents on his behalf. An individual may appear in this court pro se or through counsel, but may not be represented by a non-attorney. See Fed. Cir. R. 47.3 ("An individual (not a corporation, partnership, organization, or other legal entity) may choose to be represented by counsel or to represent himself or herself pro se").

In his request for access to district court tape recordings, Alfred Fraser argues that the transcript of the February 21, 2008 hearing is inaccurate. Pursuant to Fed. R. App. P. 10(e)(1), if Alfred Fraser believes that the transcripts do not accurately disclose what occurred in the district court, he should seek relief in the district court. Fraser may, of course, request that the district court allow access to the tape recordings.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to consolidate is granted. The revised official caption is reflected above.
- (2) Alfred Fraser's renewed motion for access to a tape recording is denied.
- (3) The motions for extensions of time are granted.
- (4) Alfred Fraser and Paul Fraser are directed to file briefs addressing all five appeals within 21 days of the date of filing of this order. The appellees should calculate the due date for their briefs from the date of service of Alfred Fraser's and Paul Fraser's briefs.

FOR THE COURT

**MAR 06 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Alfred T. Fraser  
Paul J. Fraser  
Joshua M. Dalton, Esq.  
Joseph J. Koltun, Esq.  
Corey A. Salsberg, Esq.  
Ira Jay Levy, Esq.  
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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

**MAR 06 2009**

**JAN HORBALY  
CLERK**