

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5013

CONTINENTAL AIRLINES, INC.,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims in
06-CV-432, Senior Judge Lawrence S. Margolis.

ON MOTION

Before PROST, Circuit Judge.

ORDER

The United States moves to stay proceedings in this case pending the court's final disposition in American Airlines v. United States, No. 2007-5174, or, in the alternative, for an extension of time to file its brief. The United States indicates that Continental Airlines, Inc. consents.

The United States indicates that this case raises the same issue as American Airlines, i.e., whether the airlines were entitled to a refund of assessments for fees owed by passengers which the airline did not collect. The court issued its decision in American Airlines on December 22, 2008 and the time for seeking rehearing has not yet expired. Under these circumstances, the court agrees that a stay is warranted.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to stay is granted. The United States is directed to respond within 30 days of the issuance of the mandate in American Airlines how it believes this appeal should proceed. Continental Airlines may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel that decided American Airlines.

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

FOR THE COURT

FEB 2 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Adam P. Feinberg, Esq.
James W. Poirier, Esq.

FEB 02 2009

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JAN HORBALY
CLERK