

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5017

LABATT FOOD SERVICE, INC.,

Plaintiff-Appellee,

v.

UNITED STATES,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims in 08-CV-597, Judge Marian Blank Horn.

ON MOTION

ORDER

U.S. Foodservice, Inc. (USF) moves for leave to file a brief amicus curiae, file a reply brief, participate at oral argument, and have access to the record before the court. Labatt Food Service, Inc. opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) USF's motion for leave to file a brief amicus curiae is granted.
- (2) USF's motion for leave to file a reply brief amicus curiae is denied.
- (3) USF's motion to have access to the record before the court is denied.

(4) USF' motion to participate in oral argument is denied without prejudice to renewal.

FOR THE COURT

MAR 04 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

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

cc: Rebecca E. Pearson, Esq.
Jonathan M. Bailey, Esq.
Steven M. Mager, Esq.

MAR 04 2009

JAN HORBALY
CLERK

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