

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-5018

HARDIE'S FRUIT AND VEGETABLE CO. – SOUTH, L.P.,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee,

and

M&S FOODS CO., LTD.,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 08-CV-534,  
Senior Judge Robert H. Hodges, Jr.

ON MOTION

## ORDER

Hardie's Fruit and Vegetable Co. – South, L.P. moves for leave to submit its corrected joint appendix out of time and moves the court to return all copies of the original joint appendix.

Because Hardie's has now submitted the corrected joint appendix, its motion for return of the original copies is moot.

Accordingly,

IT IS ORDERED THAT:

(1) Hardie's motion for leave to submit the corrected joint appendix out of time is granted.

(2) Hardie's motion for return of all copies of the original joint appendix is moot.

FOR THE COURT

**MAY 15 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

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

cc: Johnathan M. Bailey, Esq.  
Isaias Alba, IV, Esq.

**MAY 15 2009**

s17

JAN HORBALY  
CLERK