

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5038

STEPHEN BOYER, ANDREW J. BRUNER, COSTAN C. DIAZ,
MELVIN FIGUEROA, INGOLF CHRISTOPHER HACK,
CHRISTOPHER S. HARVEY, NOE IRIZARRY, MIGUEL A. ISAAC,
GREGORY S. MECH, JASON MOLINA, CALVIN S. PAVEY,
MICHAEL L. PAYNE, DAVID RANDALL PELFREY,
RUSSELL G. PERRAS, JOSHUA M. PRENTER,
EDGARDO L. SALCEDO, RAMON E. SALGADO,
RADAMES SANCHEZ, THOMAS SVARC, FRANCISCO M. TORRES,
IVAN VAZQUEZ and MARTIN G. WADE, JR.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in 00-CV-641,
Judge Lynn J. Bush.

ON MOTION

ORDER

The United States moves without opposition to stay the briefing schedule in this appeal pending disposition of Easter v. United States, 2008-5187, and Forbes v. United States, 2009-5030.

The United States asserts that this appeal and Easter and Forbes all involve the issue of whether the Court of Federal Claims correctly decided that the appellants were not entitled to overtime pay under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., for time spent driving a government vehicle between home and work. The United

States asserts that the court's decision in Easter and Forbes may resolve the overtime pay issues in this case.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The United States is directed to notify this court within 21 days of the date both mandates have issued in Easter and Forbes concerning how they believe this appeal should proceed. The appellants may also respond within that time.

FOR THE COURT

JUL 24 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Jules Bernstein, Esq.
Shalom Brilliant, Esq.

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

JUL 24 2009

**JAN HORBALY
CLERK**