

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-5067

MULTISERVICE JOINT VENTURE, LLC,

Plaintiff,

and

JANICE DAVIS,

Sanctioned Party-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims
in 06-CV-312, Judge Thomas C. Wheeler.

ON MOTION

Before SCHALL, Circuit Judge.

ORDER

Janice Davis moves to consolidate and revise the briefing schedule. The United States opposes. Davis replies. Davis also moves for an extension of time to file her reply brief.

Davis appealed the trial court's award of sanctions. While the appeal was pending, Davis moved for reconsideration and the trial court denied the motion. Davis again appealed and this court treated that as an amended notice of appeal and did not assign it a separate case number. Davis argues that her first appeal and the amended notice of appeal should be consolidated and that a revised briefing schedule be issued.

Because there is only one appeal, there are no other appeals to consolidate this case with. The denial of reconsideration is before the court in this appeal due to Davis's amended notice of appeal. We note that the trial court denied reconsideration after Davis filed her opening brief in this case. The United States addresses the denial of reconsideration in its brief in this case. Thus, we deem the best course is to allow Davis to address the denial of reconsideration in her reply brief.

Accordingly,

IT IS ORDERED THAT:

(1) Davis's motion for an extension of time is granted. Davis's reply brief is due within 21 days of the date of filing of this order. Davis may address the trial court's denial of reconsideration in her reply brief. A copy of this order shall be transmitted to the merits panel, to inform the panel that the denial of reconsideration is properly first raised by Davis in her reply brief.

(2) Davis's other motions are denied.

FOR THE COURT

DEC 15 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Janice Davis
Matthew H. Solomson, Esq.

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

DEC 15 2009

**JAN HORBALY
CLERK**