NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-5095, -5097

HOMER J. HOLLAND and STEVEN BANGERT
(Co-Executors of the Estate of Howard R. Ross),

Plaintiffs-Appellees,

and

FIRST BANK,

Plaintiff-Cross Appellant,

v.

UNITED STATES,

Defendant-Appellant.

Appeals from the United States Court of Federal Claims
in 95-CV-524, Judge George W. Miller.

ON MOTION

ORDER

The appellees and the cross-appellant move to correct the official caption. The United States moves for an extension of time, until September 17, 2009, to file its opening brief.

It appears that the appellees and cross-appellant are represented by the same counsel. Thus, we note that they must file a combined brief. See Practice Note following Fed. Cir. R. 28. The combined cross-appellants/appellees' opening brief is due within 40 days of service of the United States' opening brief. The United States' response/reply brief is due within 40 days of service of that combined brief. The cross-

appellants' reply brief is due within 14 days of service of the United States' response/reply brief.

IT IS ORDERED THAT:

(1) The motions are granted. The revised official caption is reflected above.

(2) The combined cross-appellants/appellees' opening brief is due within 40 days of service of the United States' opening brief. The United States' response/reply brief is due within 40 days of service of that combined brief. The cross-appellants' reply brief is due within 14 days of service of the United States' response/reply brief.

FOR THE COURT

AUG 17 2009
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: David B. Bergman, Esq.
Jeanne E. Davidson, Esq.

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

AUG 17 2009

JAN HORBALY
CLERK