

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-5114

DAVID G. DEBATTO,

Plaintiff-Appellant,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of Federal Claims in  
08-CV-730, Judge Charles F. Lettow.

ON MOTION

## ORDER

David G. DeBatto moves to withdraw his motion to expand the record on appeal. DeBatto also moves for leave to file a nonconforming reply brief and requests that the court disregard "Attachment AA" of the reply brief and any reference to it.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion to withdraw the motion to expand the record is granted. The merits panel may disregard Attachment AA to the reply brief.
- (2) The motion for leave to file a nonconforming brief is granted.
- (3) A copy of this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

MAY 06 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

cc: Michael D.J. Eisenberg, Esq.  
Shari A. Rose, Esq.

s20

MAY 06 2010

JAN HORBALY  
CLERK