

NOTE: This order is nonprecedential

United States Court of Appeals for the Federal Circuit

2009-7029

CATHLEEN E. GOLDEN,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in
04-1385, Judge Robert N. Davis.

ON MOTION

Before NEWMAN, Circuit Judge.

ORDER

The Secretary of Veterans Affairs moves without opposition to stay proceedings in this appeal pending the court's disposition in Henderson v. Shinseki, 2009-7006.

The Secretary asserts that this case and Henderson involve the issue whether the 120-day period to file an appeal to the United States Court of Appeals for Veterans Claims under 38 U.S.C. § 7266(a) may be equitably tolled.

We note that oral argument in Henderson is scheduled to be held on June 5, 2009.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to stay is granted. The Secretary is directed to inform the court within 30 days of the disposition of Henderson how he believes this appeal should proceed. The appellant may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear Henderson, to inform that panel of this related appeal.

FOR THE COURT

MAY 20 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: John F. Cameron, Jr., Esq.
Allison Kidd-Miller, Esq.

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

MAY 20 2009

JAN HORBALY
CLERK