

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-7067

QUARENO COLANTONIO,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
07-0749, Judge John J. Farley, III.

ON MOTION

Before SCHALL, Circuit Judge.

## ORDER

The Secretary of Veterans Affairs moves to vacate the judgment of the United States Court of Appeals for Veterans Claims and remand for further proceedings. Quareno Colantonio opposes. The Secretary replies.

We deem the better course is for the Secretary to make his arguments concerning remand in his brief, if appropriate.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The Secretary's motion to remand is denied.
- (2) The Secretary's brief is due within 21 days of the date of filing of this

order.

FOR THE COURT

DEC 17 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Sean A. Ravin, Esq.  
Meredyth Cohen Havasy, Esq.

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

DEC 17 2009

JAN HORBALY  
CLERK