

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-7108

WILLIAM E. PETERSON,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims
in 07-1495, Judge Ronald M. Holdaway.

ON MOTION

ORDER

William E. Peterson moves without opposition to stay the briefing schedule in this appeal pending disposition of Henderson v. Shinseki, 2009-7006.

Peterson asserts that this appeal and Henderson both involve the issue of whether the doctrine of equitable tolling applies to 38 U.S.C. § 7266(a). Peterson asserts that the court's decision in Henderson will likely control the outcome of this case.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. Peterson is directed to notify this court within 21 days of the date the mandate has issued in Henderson concerning how he believes this appeal should proceed. The Secretary of Veterans Affairs may also respond within that time.

AUG 14 2009

Date

cc: Thomas W. Stoeber, Jr., Esq.
Tara K. Hogan, Esq.

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FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

AUG 14 2009

JAN HORBALY
CLERK