

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-7111

LYNETTE M. HENRY,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
07-0782, Judge Ronald M. Holdaway.

ON MOTION

ORDER

The Secretary of Veterans Affairs moves to stay the briefing schedule in this appeal pending disposition of Henderson v. Shinseki, 2009-7006.

The Secretary 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). The Secretary 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. The Secretary 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. Lynette M. Henry may also respond within that time.

FOR THE COURT

AUG 18 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Lynette M. Henry  
Joseph A. Pixley, Esq.

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

**AUG 18 2009**

**JAN HORBALY  
CLERK**