

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

STEPHANIE S.K.C. TOYAMA,
Petitioner,

v.

**MICHAEL O. LEAVITT, SECRETARY OF HEALTH
AND HUMAN SERVICES,**
Respondent.

2010-3038

Petition for review of the Merit Systems Protection
Board in case no. SE0752030358-M-1.

ON MOTION

Before LOURIE, *Circuit Judge.*

ORDER

Stephanie S.K.C. Toyama moves for leave to file a supplemental appendix and for the court to take judicial notice of the Office of Personnel Management's Position Classification Standard for Public Health Program Specialist positions included in her supplemental appendix. The Secretary of Health and Human Services opposes and

moves to strike portions of Toyama's supplemental appendix and briefs that refer to the position classification standard as well as three documents filed in Toyama's prior federal district court case against the Secretary. Toyama replies and opposes the Secretary's motion to strike. Separately, Toyama moves to strike a copy of a Centers for Disease Control and Prevention vacancy announcement. The Secretary opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for leave to file a supplemental appendix is granted. The remaining motions are deferred for consideration by the merits panel that is assigned to hear this case.

(2) Copies of this order and the parties' motions papers shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

AUG 17 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Stephanie S.K.C. Toyama, Esq.
Eric Bruskin, Esq.

s20

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

AUG 17 2010

JAN HORBALY
CLERK