

NOTE: This order is nonprecedential.

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

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**TOTOLO/KING JOINT VENTURE,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2010-5037, -5167

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Appeals from the United States Court of Federal  
Claims in case no. 09-CV-104, Judge Christine O.C.  
Miller.

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**ON MOTION**

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Before SCHALL, *Circuit Judge.*

**O R D E R**

Upon consideration of the appellant's unopposed mo-  
tion to consolidate the two above-captioned appeals, and  
to permit the filing of a supplemental opening brief by the  
appellant,

IT IS ORDERED THAT:

(1) The motions are granted. The revised official caption is reflected above.

(2) The appellant may file a supplemental opening brief addressing only its arguments in appeal 2010-5167. That brief should not exceed 6,151 words and is due within 30 days of the date of filing of this order. Following that, all briefing is consolidated, and the United States' brief addressing both appeals is due within 40 days of the date of service of the appellant's supplemental opening brief.

FOR THE COURT

OCT 29 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: James Edward Krause, Esq.  
John S. Groat, Esq.

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

OCT 29 2010

JAN HORBALY  
CLERK