

NOTE: This order is nonprecedential.

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

TURNER CONSTRUCTION CO., INC.,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant,

and

MCCARTHY/HUNT, JV,
Defendant,

and

B.L. HARBERT-BRASFIELD & GORRIE, JV,
Defendant-Appellant.

2010-5146

Appeal from the United States Court of Federal Claims
in case no. 10-CV-195, Senior Judge Bohdan A. Futey.

TURNER CONSTRUCTION CO., INC.,
Plaintiff-Appellee,

v.

UNITED STATES,
Defendant-Appellant,

and

MCCARTHY/HUNT, JV,

Defendant,

and

B.L. HARBERT-BRASFIELD & GORRIE, JV,

Defendant-Appellant.

2010-5158

Appeal from the United States Court of Federal Claims
in case no. 10-CV-195, Senior Judge Bohdan A. Futey.

ON MOTION

O R D E R

Turner Construction Co., Inc. moves without opposition to modify the trial court's protective order to bring Brian G. Walsh within its terms. The United States moves to reform the caption.

We treat the United States' motion as a motion to dismiss its appeal. The United States also indicates that it does not intend to participate as an appellee in this appeal. Because the United States was a party in the trial court, we keep it in the caption in this appeal but identify it only as a defendant in the caption. Fed. R. App. P. 12(a).

Accordingly,

IT IS ORDERED THAT:

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

(2) Appeal 2010-5158 is dismissed. All parties shall bear their own costs related to 2010-5158.

FOR THE COURT

JAN 21 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Laurence Schor, Esq.
Scott M. McCaleb, Esq.
Anuj Vohra, Esq.

s8

ISSUED AS A MANDATE (as to 2010-5158 only): JAN 21 2011

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

JAN 21 2011

JAN HORBALY
CLERK