

NOTE: This order is nonprecedential.

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

**SHELL OIL COMPANY AND ATLANTIC RICHFIELD
COMPANY,**
Plaintiffs-Appellees,

v.

UNITED STATES,
Defendant-Appellant.

2010-5161

Appeal from the United States Court of Federal
Claims in case no. 06-CV-141, Senior Judge Loren A.
Smith.

ON MOTION

Before FRIEDMAN, *Circuit Judge.*

O R D E R

The United States moves to summarily vacate the judgment of the United States Court of Federal Claims and remand or, in the alternative, for a stay of proceedings. Shell Oil Company and Atlantic Richfield Company oppose. The United States replies.

We deem the better course is to deny the United States' motions without prejudice to the United States raising its issues in its briefs.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are denied.

(2) The United States' brief is due within 40 days from the date of filing of this order.

FOR THE COURT

JAN 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Stephen C. Tosini, Esq.
Michael J. Kirk, Esq.

s19

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

JAN 04 2011

JAN HORBALY
CLERK