

NOTE: This order is nonprecedential.

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

REGINA R. SMITH,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2010-7019

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 07-1541, Judge William A.
Moorman.

ON MOTION

Before DYK, *Circuit Judge.*

O R D E R

The Secretary of Veterans Affairs moves to summarily
affirm the judgment of the United States Court of Appeals
for Veterans Claims in *Smith v. Shinseki*, no. 07-1541.

We deem the better course is to allow the case to pro-
ceed through briefing.

Accordingly,

IT IS ORDERED THAT:

The motion to summarily affirm is denied. The Secretary's brief is due within 40 days of the date of filing of this order.

FOR THE COURT

DEC 02 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Virginia A. Girard-Brady, Esq.
Hillary A. Stern, Esq.

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

DEC 02 2010

JAN HORBALY
CLERK