

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-7046

HUBERT J. HORNE,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in  
case no. 09-2042, Judge Lawrence B. Hagel.

ON MOTION

## ORDER

The Secretary of Veterans Affairs moves to summarily affirm the judgment of the United States Court of Appeals for Veterans Claims in light of this court's en banc decision in Henderson v. Shinseki, 589 F.3d 1201 (Fed. Cir. 2009). Hubert J. Horne responds and moves to stay the briefing schedule in this appeal pending the expiration of the period in which to file a petition for writ of certiorari in Henderson.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Secretary's motion to summarily affirm is denied without prejudice to renewal.

(2) Horne's motion to stay the briefing schedule pending the Supreme Court's final disposition of Henderson is granted. The parties are directed to inform this court, within 14 days of the Supreme Court's final disposition of Henderson, concerning how they believe that this appeal should proceed.

FOR THE COURT

APR 30 2010

Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: M. Jacqueline Walther, Esq.  
Tara K. Hogan, Esq.

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

APR 30 2010

JAN HORBALY  
CLERK