

NOTE: This order is nonprecedential

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

HARVEST O. TOOMER,
Claimant-Appellant,

v.

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

2010-7120

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 09-4086, Judge Ronald M.
Holdaway.

ON MOTION

ORDER

The Secretary of Veterans Affairs moves without opposition to stay the briefing schedule in this appeal pending the United States Supreme Court's final disposition of *Henderson v. Shinseki*, 2010 WL 752370 (U.S. June 28, 2010).

Upon consideration thereof,

IT IS ORDERED THAT:

The motion to stay the briefing schedule pending the Supreme Court's final disposition of *Henderson* is granted. The Secretary is directed to inform this court, within 14 days of the Supreme Court's final disposition of *Henderson*, concerning how he believes that this appeal should proceed. The appellant may also respond within that time.

FOR THE COURT

SEP 20 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Harvest O. Toomer
Tara K. Hogan, Esq.

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

SEP 20 2010

JAN HORBALY
CLERK