

NOTE: This order is nonprecedential.

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

STEVEN T. WALTNER,
Plaintiff-Appellant,

AND

SARAH V. WALTNER,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

2011-5105

Appeal from the United States Court of Federal
Claims in case no. 10-CV-225, Judge Marion Blank Horn.

ON MOTION

O R D E R

The appellants move for this appeal to be heard on the original record or in the alternative for leave to file the joint appendix on a cd and to substitute in the record a redacted version of their complaint.

It appears that the appellants seek to not file an adequate appendix. However, because the record is not transmitted to the court, the court deems it appropriate to require the filing of an appendix. The appellants are proceeding pro se. Thus, the court requests that the United States file the appendix pursuant to Fed. Cir. R. 30(e). Because the parties in their briefs refer to the pages or documents in the record, the briefs must be corrected or refiled with proper reference to an appendix.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are denied, except that the court requests that the United States file the appendix.

(2) The parties must file corrected briefs or make corrections to the briefs on file within 30 days of the date of filing of this order. The corrected briefs must refer to pages of the joint appendix, not to the record. Counsel for the United States should promptly inform the appellants of the appendix page numbers for the matters cited by the appellants in their briefs.

(3) The joint appendix is due within 45 days of the date of filing of this order. The appendix need only include pages referenced by the parties in their briefs, along with the mandatory items listed in Fed. R. App. P. 30 and Fed. Cir. R. 30.

DEC 08 2011

Date

FOR THE COURT

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Steven T. Waltner
Sarah V. Waltner
Steven K. Uejio, Esq.

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

DEC 08 2011

JAN HORBALY
CLERK