

NOTE: This order is nonprecedential

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

EVERY PENNY COUNTS, INC.,
Plaintiff-Appellant,

v.

**BANK OF AMERICA CORPORATION AND BANK OF
AMERICA, N.A.,**
Defendants-Appellees.

2009-1442

Appeal from the United States District Court for the
Middle District of Florida in case no. 07-CV-00042, Judge
Jon E. Steele.

ON MOTION

Before SCHALL, *Circuit Judge.*

O R D E R

Every Penny Counts, Inc. moves to remand this case
to the district court. Bank of America Corporation and
Bank of America, N.A. oppose. Every Penny Counts, Inc.
replies.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Every Penny Counts, Inc.'s motion to remand is denied.

(2) The stay of the briefing schedule is lifted. The appellant's opening brief is due within 45 days of the date of filing of this order.

FOR THE COURT

OCT 28 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Harvey S. Kauget, Esq.
Steven C. Cherny, Esq.

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

OCT 28 2010

JAN HORBALY
CLERK