

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-7135

THOMAS P. CHOTTA,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in
08-11267, Judge Alan G. Lance, Sr.

ON MOTION

Before RADER, Circuit Judge.

ORDER

Thomas P. Chotta moves without opposition to stay proceedings in this appeal pending the court's disposition in Snyder v. Shinseki, 2009-7102.

Chotta asserts that this case and Snyder involve the same issue, specifically, entitlement to consideration of equitable tolling of the time for filing an appeal from the Board of Veterans Appeals to the Court of Appeals for Veterans Claims.

Based on our review of the Court of Appeals for Veterans Claims' decisions underlying Chotta's appeal and Snyder, it appears that neither involves the issue asserted by Chotta.

Accordingly,

IT IS ORDERED THAT:

The motion to stay proceedings is denied. Chotta's brief is due within 30 days of the date of filing of this order.

FOR THE COURT

OCT 22 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Kenneth M. Carpenter, Esq.
Steven M. Mager, Esq.

s19

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

OCT 22 2009

JAN HORBALY
CLERK