

NOTE: This order is nonprecedential.

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

**PETER H. BEER, TERRY J. HATTER, JR.,
THOMAS F. HOGAN, RICHARD A. PAEZ,
JAMES ROBERTSON, LAURENCE H. SILBERMAN,
A. WALLACE TASHIMA AND U. W. CLEMON,**
Plaintiffs-Appellants,

v.

UNITED STATES,
Defendant-Appellee.

2010-5012

Appeal from the United States Court of Federal
Claims in case no. 09-CV-037, Senior Judge Robert H.
Hodges, Jr.

O R D E R

Upon consideration of the order of the Supreme Court
of the United States in *Peter H. Beer, et al., v. United
States*, 131 S.Ct. 2865 (2011), vacating this court's judg-
ment and remanding to this court for further considera-
tion,

IT IS ORDERED THAT:

The mandate of this court issued on March 30, 2010 is recalled, the appeal is reinstated, and this court's January 15, 2010 judgment is vacated.

FOR THE COURT

August 4 , 2011

/s/ Jan Horbaly

Date

Jan Horbaly
Clerk

cc: Christopher Landau, Esq.
Brian M. Simkin, Esq.