

NOTE: This order is nonprecedential.

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

FREDERICK FOSTER,
Plaintiff-Appellant,

v.

PITNEY BOWES CORPORATION,
Defendant-Appellee,

AND

UNITED STATES POSTAL SERVICE,
Defendant-Appellee,

AND

JOHN DOES 1-10,
Defendants.

2013-1374

Appeal from the United States District Court for the
Eastern District of Pennsylvania in No. 11-CV-7303,
Judge Joel H. Slomsky.

ON MOTION

PER CURIAM.

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O R D E R

Frederick Foster has filed a motion for “judicial notice of new evidence pursuant to F.R.Evid. 201(c) and intervening change of controlling law/correction of error pursuant to F.R.C.P. 59(e).” Pitney Bowes Corporation and the United States Postal Service oppose.

Upon consideration thereof,

IT IS ORDERED THAT:

The motions are deferred for consideration by the merits panel. A copy of the motions papers and this order shall be transmitted to the merits panel assigned to the case.

FOR THE COURT

/s/ Daniel E. O’Toole
Daniel E. O’Toole
Clerk

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