

NOTE: This order is nonprecedential.

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

HOWARD NEWGARD,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2014-7005

Appeal from the United States Court of Appeals for
Veterans Claims in No. 12-1334, Chief Judge Bruce E.
Kasold.

ON MOTION

O R D E R

Howard Newgard (“Newgard”) moves without opposition for a thirty day extension of time to file his brief. He separately moves the court to take judicial notice of certain documents. The Secretary of Veterans Affairs (“Secretary”) responds.

In light of the arguments raised in the Secretary's response, this court deems it the better course to defer Newgard's motion to take judicial notice until after he has filed his initial brief.

Accordingly,

IT IS ORDERED THAT:

(1) Newgard's motion for an extension of time is granted to the extent that his initial brief is due December 30, 2013.

(2) This court will not act on Newgard's motion to take judicial notice until after he has filed his initial brief. The Secretary is directed to respond concerning its opposition to Newgard's motion to take judicial notice no later than January 6, 2014. Newgard shall file any reply to the Secretary's response no later than January 13, 2014.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court