

In the United States Court of Federal Claims

No. 12-157 C

(Filed August 14, 2013)

INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 1 and ITS MEMBERS, individually; EDWARD W. BOWE, individually; on behalf of themselves and all other similarly situated,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

On July 29, 2013, plaintiffs filed a Motion for Extension of Time to File Notice of Appeal from this court’s judgment, dated May 29, 2013, dismissing plaintiffs’ claims under Rules 12(b)(1) and 12(b)(6) of the Rules of the United States Court of Federal Claims. Defendant does not oppose plaintiffs’ motion except to note that plaintiffs do not specify the length of their requested extension.

Under Rule 4(a)(5)(C) of the Federal Rules of Appellate Procedure (FRAP), no extension of time to file a notice of appeal may exceed thirty days after the prescribed time for filing the notice of appeal, or fourteen days after the court enters an order granting an extension of time within which to file the notice of appeal, whichever is later. Additionally, a notice of appeal in a case in which the United States is a party must be filed “within 60 days after the judgment or order appealed from is entered.” FRAP 4(a)(1)(B). Thus, in this case, where the United States is a party, plaintiffs’ deadline for the filing of a notice of appeal was July 29,

2013, *i.e.*, sixty days after the court entered judgment dismissing plaintiffs' claims plus one additional day because the last day of the sixty-day period was a Sunday. Consequently, the outer limit of plaintiffs' allowable extension is August 28, 2013 – thirty days after July 29, 2013, and fourteen days after the filing of this order.

Based upon the unopposed facts set forth in plaintiffs' memorandum in support of their motion, the court finds that an extension of time for plaintiffs to file a notice of appeal is warranted under FRAP 4(a)(5)(A). The court therefore grants plaintiffs an extension of fourteen days from the date of this order, up to and including August 28, 2013, to file a notice of appeal of the court's judgment dated May 29, 2013.

Accordingly, it is hereby **ORDERED** that:

- (1) Plaintiffs' Motion for Extension of Time to File Notice of Appeal is **GRANTED**; and
- (2) Plaintiffs shall be permitted to **FILE** a **Notice of Appeal** of the court's May 29, 2013 judgment on or before **August 28, 2013**.

/s/Lynn J. Bush
LYNN J. BUSH
Judge