

NOTE: This order is nonprecedential.

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

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**DAVID P. GESSERT,**  
*Petitioner,*

**v.**

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent,*

**and**

**DEPARTMENT OF THE TREASURY**  
*Intervenor.*

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2010-3115

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Petition for review of the Merit Systems Protection  
Board in case no. DC0752090149-I-2.

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**ON MOTION**

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**O R D E R**

The Department of the Treasury moves to reform the official caption to designate the Merit Systems Protection Board as respondent. The Department also moves for leave to intervene, and for an extension of time to file the

responding briefs. The Department states that David P. Gessert opposes.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The Department's motions are granted. The revised official caption is reflected above.

(2) The Department's and the Board's briefs are due within 40 days of the date of filing of this order.

FOR THE COURT

JUN 24 2010

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: David P. Gessert  
Michael Goodman, Esq.  
Calvin Morrow, Esq.

s20

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

JUN 24 2010

JAN HORBALY  
CLERK