

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-5018

SHELDON PETERS WOLFCHILD, et al., ERNIE PETERS LONGWALKER, et al.,
SCOTT ADOLPHSON, et al., MORRIS J. PENDLETON, et al.,
BARBARA FEEZOR BUTTES, et al., WINIFRED ST. PIERRE
FEEZOR, et al., AUTUMN WEAVER, et al., ARIES BLUESTONE
WEAVER, et al., ELIJAH BLUESTONE WEAVER, et al., RUBY MINKEL, et al.,
LAVONNE A. SWENSON, et al., WILLIS SWENSON, et al.,
AARON SWENSON, et al., BEVERLY M. SCOTT, et al., LILLIAN WILSON, et al.,
MONIQUE WILSON, et al., SANDRA COLUMBUS GESHICK, et al., CHERYL K.
LORUSSO, et al., JENNIFER K. LORUSSO, et al., CASSANDRA SHEVCHUK, et al.,
JASON SHEVCHUK, et al., JAMES PAUL WILSON, et al., EVA GRACE WILSON, et
al., BENITA M. JOHNSON, et al., and KEVIN LORUSSO, et al.,

Plaintiffs-Appellees,

and

HARLEY ZEPHIER, SR.,

Plaintiff-Appellee,

and

REBECCA ELIZABETH FELIX

Plaintiff,

and

ELIZABETH T. WALKER and JOHN DOES 1-30,

Plaintiffs-Appellees,

and

PHILIP W. MORGAN,

Plaintiff,

and

RAYMOND CERMAK, SR., MICHAEL STEPHENS,
JESSE CERMAK, DENISE HENDERSON,
DELORES KLINGBERG, SALLY ELLA ALKIRE,
PIERRE ARNOLD, JR., and GERTRUDE GODOY,

Plaintiffs,

and

LOWER SIOUX INDIAN COMMUNITY,

Plaintiff-Appellee,

and

JOHN DOES 1-30,

Plaintiff,

and

DANNY LEE MOZAK,

Plaintiff,

and

FRANCIS ELAINE FELIX,

Plaintiff,

and

DEBORAH L. SAUL, LAURA VASSAR, LYDIA FERRIS,
DANIEL M. TRUDELL, ROBERT LEE TAYLOR,
and DAWN HENRY,

Plaintiffs,

and

WINONA C. THOMAS ENYARD, ET AL.,

Plaintiffs-Appellees,

and

DAWN BURLEY,

Plaintiff,

and

VERA A. ROONEY,

Plaintiff,

and

ROCQUE AND TAYLOR DESCENDANTS,

Plaintiff,

and

MARY BETH LAFFERTY, ANITA D. WHIPPLE,
Descendants of Lucy H. Trudell, BONNIE RAE LOWE, Descendants of Joseph
Graham, and LENOR ANN SCHEFFLER BLAESER, Descendants of
John Moose,

Plaintiffs,

and

JULIA DUMARCE, ET AL.,

Plaintiffs-Appellees,

and

RAYMOND COURNOYER, SR., JERRY ROBINETTE,
SANDRA KIMBELL, CHARLENE WANNA,
and LESLIE LEE FRENCH,

Plaintiffs,

and

JOHN DOES 1-433,

Plaintiff,

and

FRANCINE GARREAU, ET AL.,

Plaintiffs-Appellees,

and

KE ZEPHIER,

Plaintiff,

and

KRISTINE ABAHAMSON, ET AL.,

Plaintiffs-Appellees,

and

VICTORIA ROBERTSON VADNAIS, ET AL.,

Plaintiffs-Appellees,

v.

UNITED STATES,

Defendant-Appellant.

Appeal from the United States Court of Federal Claims in case 03-CV-2684,
Judge Charles F. Lettow.

ON MOTION

Before PROST, Circuit Judge.

ORDER

Sheldon Peters Wolfchild, et al. (Wolfchild) move for "application of judicial estoppel" or to strike portions of any brief filed by the United States. The United States separately moves to suspend briefing until the resolution of the plaintiffs-appellees' motion. Wolfchild responds.

Concerning Wolfchild's motion, we deem the better course is for the parties to put any arguments concerning judicial estoppel or any motion to strike in their briefs. See Fed. Cir. R. 27(e).


Accordingly,

IT IS ORDERED THAT:

- (1) Wolfchild's motion is denied.
- (2) The United States' motion is granted. Its opening brief is due within 45 days of the date of filing of this order.

FEB 26 2008

Date


Sharon Prost
Circuit Judge

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

FEB 26 2008

JAN HORBALY
CLERK

cc: Wood R. Foster, Jr., Esq.
Creighton A. Thurman, Esq.
Garrett J. Horn, Esq.
Kelly H. Stricherz, Esq.
Larry B. Leventhal, Esq.
Jack E. Pierce, Esq.
Elizabeth T. Walker, Esq.
Nicole Nachtigal Emerson, Esq.
Francis E. Felix
James L. Blair, Esq.
Gary J. Montana, Esq.
Douglas R. Kettering, Esq.
Randy V. Thompson, Esq.
Eric J. Magnuson, Esq.
Philip W. Morgan, Esq.
Rebecca E. Felix
Scott A. Johnson, Esq.
Bernard J. Rooney, Esq.
Sam S. Killinger, Esq.
Erick G. Kaardal, Esq.
Robin L. Zephier, Esq.
Aaron P. Avila, Esq.
s20 Royce D. Edwards, Jr., Esq.