

NOTE: This order is nonprecedential.

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

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**PETER H. BEER, TERRY J. HATTER, JR.,  
THOMAS F. HOGAN, RICHARD A. PAEZ,  
JAMES ROBERTSON, LAURENCE H. SILBERMAN,  
A. WALLACE TASHIMA AND U. W. CLEMON,**  
*Plaintiffs-Appellants,*

v.

**UNITED STATES,**  
*Defendant-Appellee.*

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2010-5012

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Appeal from the United States Court of Federal  
Claims in case no. 09-CV-037, Senior Judge Robert H.  
Hodges, Jr.

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Before BRYSON, MAYER, and DYK, *Circuit Judges.*

**O R D E R**

The Supreme Court has remanded this case to this court “for consideration of the question of preclusion raised by the Acting Solicitor General in his brief for the United States filed July 26, 2010.” *Beer v. United States*, No. 09-1395 (June 28, 2011). In light of the Supreme Court’s remand order, we invite the parties to submit

briefs addressing the preclusion issue identified by the Supreme Court in its order, including a discussion of the Supreme Court's recent decision in *Wal-Mart Stores, Inc. v. Dukes*, No. 10-277 (June 20, 2011). The briefs shall be filed simultaneously, within 60 days of the date of this order, and shall be no more than 30 pages in length.

Each party shall file an original and 11 copies of the supplemental briefs with the court, and serve two copies on opposing counsel.

FOR THE COURT

July 12, 2011

/s/Jan Horbaly

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Date

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Clerk

cc: Christopher Landau, Esq.  
Brian M. Simkin, Esq.