

NOTE: This order is nonprecedential.

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

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**NEW HAMPSHIRE BALL BEARINGS, INC.,**  
*Plaintiff-Appellant,*

v.

**UNITED STATES AND  
UNITED STATES CUSTOMS AND BORDER  
PROTECTION,**  
*Defendants-Appellees,*

AND

**UNITED STATES INTERNATIONAL TRADE  
COMMISSION,**  
*Defendant-Appellee,*

AND

**THE TIMKEN COMPANY AND MPB  
CORPORATION,**  
*Defendants-Appellees.*

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2012-1246

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Appeal from the United States Court of International  
Trade in case no. 08-00398, Judge Gregory W. Carman.

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**ON MOTION**

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**ORDER**

New Hampshire Ball Bearings, Inc. (NHBB) moves to stay the briefing schedule and for an extension of time to file its brief. NHBB also submits a second motion for an extension of time. The United States, the United States Customs and Border Patrol, and the United States International Trade Commission oppose the stay but not the extension. The Timken Company and MPB Corporation do not oppose.

On May 8, 2012, this court issued an order treating *Ashley Furniture Industries, Inc. v. United States* (2012-1196) and *Ethan Allen Global, Inc. v. United States* (2012-1200) as companion cases for purposes of oral argument before the same merits panel.

NHBB asserts this case and *Ashley Furniture* and *Ethan Allen* involve related issues regarding the constitutionality of certain provisions of the Continued Dumping and Subsidy Offset Act (CDSOA) and this court's decision in *SKF USA, Inc. v. U.S. Customs and Border Protection*, 556 F.3d 1337 (Fed. Cir. 2009).

The court notes that oral argument in *Ashley Furniture* and *Ethan Allen* has not yet been scheduled.

Accordingly,

IT IS ORDERED THAT:

(1) The motion for a stay is granted. This appeal is stayed pending issuance of the mandate in *Ashley Furniture* (2012-1196) and *Ethan Allen* (2012-1200). Within 14 days thereof, NHBB is directed to inform this court concerning how it believes this appeal should proceed. The other parties may also respond within that time.

(2) A copy of this order will be forwarded to the merits panel in appeal nos. 2012-1196 and 2012-1200.

(3) The motions for an extension of time are moot.

FOR THE COURT

MAY 09 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Terence P. Stewart, Esq.  
Patrick V. Gallagher, Esq.  
Frank H. Morgan, Esq.  
Courtney S. McNamara, Esq.

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

MAY 09 2012

JAN HORBALY  
CLERK