

MOTION GRANTED

For the Panel



January 5, 2022

William Greenberg
Judge

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

JAMES M. KERNZ,)
)
Appellant,)
)
v.)
)
DENIS MCDONOUGH,)
Secretary of Veterans Affairs,)
)
Appellee.)

Vet. App. No. 20-2365

**APPELLEE’S UNOPPOSED MOTION TO RESCHEDULE ORAL ARGUMENT
CURRENTLY SCHEDULED FOR FEBRUARY 15, 2022**

Pursuant to U.S. Vet. App. Rule 27, Appellee, Denis McDonough, Secretary of Veterans Affairs, respectfully moves this Court to reschedule oral argument, which is currently scheduled for February 15, 2022.

As grounds for this motion, the undersigned informs the Court that Nicholas R. Esterman, lead counsel on the matter since May 1, 2020, remains out of the office on paternal leave until March 2022. As such he will be unable to participate in the oral argument on the date it is currently scheduled. Additionally, due to ongoing health concerns, it is unclear whether the undersigned will be available to participate in the oral argument at this time. Mr. Esterman and the undersigned have been the primary representatives for the Secretary since the filing of the matter. Given the longevity of the matter and complexity of the issues in this case, the Secretary believes the Court will be better served by hearing from Counsel familiar with the matter.

The undersigned contacted Counsel for Appellant, Adam R. Luck, and he has consented to both the filing of this motion and the rescheduling of the oral argument for the reasons announced above. He also indicated a preference for rescheduling from the current date. The parties will be available to present oral argument before the Court on a date after March 20, 2022.

Counsel for the Appellee sincerely apologizes to the Court for any inconvenience caused by this request.

WHEREFORE, the Secretary respectfully moves the Court to grant this motion to reschedule oral argument, which is currently scheduled for February 15, 2022.

Respectfully submitted,

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MARY ANN FLYNN
Chief Counsel

/s/ Megan C. Kral
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