

In The
UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS

Catherine Cornell,)	
Appellant,)	No. 15-3191
)	
v.)	RESPONSE TO COURT'S
)	AUGUST 26, 2019, ORDER
Robert L. Wilkie,)	
Secretary of Veterans Affairs,)	
)	
Bobby S. Moberly,)	
<u>Intervenor.</u>)	

Undersigned hereby responds to the Court's August 26, 2019, Order regarding the availability of a substitute for deceased Intervenor by reporting that no eligible individual is willing or able to substitute in this matter.

Mr. Moberly's son, Larry, notified undersigned of his father's death by phone on August 14, 2014, and provided a copy of the death certificate and photos of his father by email on August 16, 2019. Following issuance of the Court's Order, undersigned initiated a phone call with Larry Moberly and discussed the need for a substitute for his deceased father. At that time, Larry Moberly reported that his mother was extremely frail, he was her attorney-in-fact, and he would discuss substitution with her. Undersigned agreed to and did prepare a Retainer Agreement for Mrs. Moberly, which was emailed to Larry Moberly on August 29, 2019, and acknowledged as received by an email on September 4, 2019.

Since that last communication there has been no response to numerous emails and telephone calls, or a certified letter sent to the last known address.

Based on the above and previous discussions with Larry Moberly, undersigned surmises that neither Mrs. Moberly or Larry Moberly are able or willing to serve as a substitute. Mrs. Moberly is reportedly too frail to do so. Larry Moberly had previously reported suffering from significant health issues, including a recent hospitalization, and that he has been consumed with the responsibilities of his mother's care while also managing the affairs of his father's estate. He is likely unable or unwilling to further participate in this matter because of his current circumstances.

Whatever the reasons, the only known eligible individuals have been informed of their right to substitute and have not responded further to undersigned's communications.

Respectfully submitted,

/s/ Douglas J. Rosinski
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