

MOTION GRANTED

IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

CONNIE E. HOLLANDER,
Appellant,

v.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,
Appellee.

Vet. App. No. 17-4772

October 17, 2019

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Judge

APPELLEE'S UNOPPOSED MOTION FOR STAY OF PROCEEDINGS PENDING A DECISION BY THE COURT IN SMITH V. WILKIE, No. 18-1189

Pursuant to U.S. Vet. App. R. 5(a) and 27(a), Appellee respectfully moves the Court for a stay of proceedings pending final disposition by the Court in *Smith v. Wilkie*, 18-1189. The decision in *Smith* will directly impact the case here, where one of the primary issues Appellant raises is whether the Board is bound by favorable factual findings in prior Board remands. In *Smith*, the Court scheduled oral argument for October 24 on the issue of whether the Board is bound by favorable factual predicate findings in prior Board remands. No. 18-1189, Sept. 17, 2019 order. As whether the Board is bound by favorable factual findings in prior Board remands is one of the primary issues raised in this case, a stay is warranted. Appellant is unopposed to this motion.

WHEREFORE, Appellee respectfully moves the Court to stay proceedings pending resolution of *Smith* or until further order of the Court.

Respectfully submitted,

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