

Not published

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 20-2346

VETERANS LEGAL ADVOCACY GROUP,

PETITIONER,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS,

RESPONDENT.

Before MEREDITH, *Judge*.

ORDER

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

The Veterans Legal Advocacy Group filed a petition for extraordinary relief seeking to enjoin the Secretary from scheduling in-person VA compensation and pension examinations during the coronavirus pandemic. Petition at 1-2, 8. The Court, on April 9, 2020, ordered the Secretary, within 5 days of the date of the Court's order, to file a response to the petition for extraordinary relief, and concurrently ordered the petitioner to submit a supplemental memorandum of law. The following day, the petitioner filed a motion to dismiss the petition. Apr. 10, 2020, Motion at 1. The petitioner maintained that the petition was moot because VA and its contractors have ceased providing in-person examinations and indicated that examinations will not resume until 60 days after the end of the national emergency. *Id.* The Court stayed proceedings pending further order of the Court.

On April 16, 2020, the petitioner filed an opposed motion to resume the litigation. Apr. 16, 2020, Motion at 1. The petitioner avers that the petition is not moot, explaining that counsel was contacted by another veteran who, on April 15, 2020, was scheduled for an in-person examination on June 8, 2020. *See id.*, Attachment at 1-2. The petitioner thus requests that the Court resume proceedings and direct the parties to respond to the April 9, 2020, order. Apr. 16, 2020, Motion at 1.

Pursuant to Rule 27(b)(1) of the Court's Rules of Practice and Procedure, "any party may file a response or opposition to a motion not later than 14 days after service of the motion," and "[t]he Court may shorten or extend the time for responding." U.S. VET. APP. R. 27(b)(1). Accordingly, it is

ORDERED that the Secretary, no later than April 17, 2020, file a response to the motion.

DATED: April 16, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Amanda L. Meredith', with a long horizontal flourish extending to the right.

AMANDA L. MEREDITH
Judge

Copies to:

Harold H. Hoffman, III, Esq.

VA General Counsel (027)