

MOTION GRANTED

For the Panel



Michael P. Allen
Judge

June 3, 2020

IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

THURMAN FULLER, JR.,
Appellant,

v.

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

Vet.App. No. 18-7000

APPELLEE'S UNOPPOSED MOTION TO POSTPONE AND TO RESCHEDULE THE ORAL ARGUMENT SCHEDULED FOR JUNE 12, 2020

Pursuant to U.S. Vet. App. R. 27 and R. 34(d) the Secretary respectfully moves the Court to reschedule the oral argument in this case that is currently scheduled for June 12, 2020, at 10:00 AM.

As good cause for this motion, the undersigned notes that the Secretary's lead counsel in this case was recently and unexpectedly hospitalized on May 31, 2020. As of the filing of this motion, he has not been released from the hospital. As a result, the ability of the Secretary's counsel to prepare for the upcoming argument has been impaired. Lead counsel's participation in the oral argument is the most efficient use of the Secretary's limited resources because having another attorney take over at this stage would require him or her to duplicate any review the lead counsel has already undertaken in a very short time frame.

Respectfully, because the Secretary's lead counsel's hospitalization has impaired his ability to adequately prepare for the argument, the Secretary requests that the oral argument be rescheduled. After conferring with Appellant's counsel,

the Secretary proposes any day the Court regularly conducts business as early as September 7, 2020. On behalf of the Secretary, the undersigned Counsel expresses regret for any inconvenience that this may cause the Court or Appellant.

Counsel for the Appellant does not oppose this motion.

WHEREFORE, the Secretary respectfully requests that the Court grant the Secretary's unopposed motion to reschedule the oral argument currently scheduled for June 12, 2020, to any day the Court regularly conducts business as early as September 7, 2020, praying that the Court will consider the circumstances identified herein.

Respectfully submitted,

WILLIAM A. HUDSON, JR.
Principal Deputy General Counsel

MARY ANN FLYNN
Chief Counsel

/s/ James B. Cowden
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