

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

**JEREMY BEAUDETTE AND  
MAYA BEAUDETTE,**  
individually and on behalf of others  
similarly situated,

**Petitioners,**

v.

**ROBERT WILKIE,**  
in his capacity as  
Secretary of Veterans Affairs,

**Respondent.**

Vet. App. No. 20-4961

**PETITIONERS' NOTICE OF NON-OPPOSITION TO THE SULLIVANS'  
MOTION FOR CONSOLIDATION**

Petitioners Jeremy and Maya Beaudette (“Petitioners”) do not oppose Blaine and Stacey Sullivan’s (the “Sullivans”) motion for consolidation with this action for the purpose of resolving the common legal issue presented in both actions: whether claimants under the Program of Comprehensive Assistance for Family Caregivers (“Caregiver Program”) may seek review of benefits decisions at the Board of Veterans’ Appeals (“Board”). Petitioners agree that it is more efficient for this Court to resolve this common legal issue once, as opposed to resolving it by multiple actions in this Court.

Petitioners’ non-opposition is based on the assumption that consolidation would not impact the proceedings in this action—in that the common legal issue is already fully briefed in this action, and consolidation for the purpose of resolving the common legal

issue should not require any further briefing by any party as to the common legal issue and should not delay the scheduled January 21, 2021 oral argument.

With respect to the Court's Order requesting the parties' views on consolidation of an individual action with a putative class action, Petitioners' understand the Sullivans' motion to consolidate to be solely for determining the common legal issue—whether Board review is available for the Caregiver Program—and not to consolidate with the class-related proceedings. The Sullivans are not currently seeking to be class representatives, nor are they currently seeking to benefit from class-wide relief in this action. The class relief in this action is to ensure Caregiver Program claimants are provided a prompt, efficient, and effective means to secure their right to a Board appeal without the need to file an individual petition for extraordinary relief. Because the Sullivans have, like the Petitioners, filed their own petition to secure their right to a Board appeal, they have no need to benefit from class-wide relief in this action. If this action results in a favorable decision on the merits, the Sullivans could then seek to enforce this Court's order by immediately pursuing a Board appeal thereafter.

Moreover, while the Sullivans are not seeking to participate in the class proceedings in this action, Petitioners have conferred with the Sullivans on whether they would consider acting as a class representative if they were ever needed to. The Sullivans confirmed that they would consider acting as a class representative if needed. Of course, this would only be needed if Petitioners were unable to do so; and further, the Sullivans would have to demonstrate the class certification requirements. Thus, the Sullivans'

presence in this case—albeit in a limited capacity—could afford some potential benefit to the putative class if there were ever such a need.

Date: Dec. 28, 2020

Respectfully submitted,

/s/ Andy LeGolván

Andy LeGolván

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