

## MOTION GRANTED

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

March 26, 2021



Amanda L. Meredith  
Judge

LEWIS R. PAGE,

Appellant,

v.

DENIS MCDONOUGH,  
Secretary of Veterans Affairs,

Appellee.

Vet. App. No. 19-0865

### APPELLEE'S MOTION TO RESCHEDULE ORAL ARGUMENT SCHEDULED FOR MAY 11, 2021

Pursuant to U.S. Vet. App. R. 27 and R. 34, the Secretary respectfully moves the Court to reschedule the oral argument set for May 11, 2021. In support of this motion the Secretary states:

1. The reason for this requested relief is a schedule conflict. Prior to receipt of the Court's oral argument order, Counsel for Secretary planned to be on leave for a family vacation in order to spend time with a close relative recently diagnosed with a terminal illness.
2. Counsel for Appellant is unopposed to rescheduling this oral argument. Counsel for Appellant has indicated that she is unavailable between the dates of May 31, 2021, through June 4, 2021, due to previously scheduled leave.
3. Taking into account the leave scheduled by both counsels, and upon conferring with Counsel for Appellant, the Secretary respectfully shares with the Court that both parties would be available for oral argument during the week of May 24<sup>th</sup>, June 14<sup>th</sup>, and June 21<sup>st</sup>.

Pursuant to U.S. Vet. App. R. 26(b), the Secretary has received 45 days of extension in this case with none relating to oral argument. Appellant has received 90 days of extension in this case with none relating to oral argument. Oral

argument was previously scheduled for August 25, 2020, but the Court withdrew its order scheduling oral argument for that day and granted the Secretary's unopposed motion to stay the case pending final disposition by the United States Court of Appeals for the Federal Circuit in *Euzebio v. McDonough*, No. 2020-1072.

The Secretary apologizes to the Court for the need to file a request for rescheduling of oral argument.

**WHEREFORE**, the parties respectfully request that the Court grant this joint motion to reschedule oral argument from May 11, 2021, to an alternate date that is convenient to the Court, praying that the Court will take into account the scheduling conflicts heretofore mentioned.

Respectfully submitted,

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Veterans' Programs

**MARY ANN FLYNN**  
Chief Counsel

/s/ Anna Whited  
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