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

| J. RONI FREUND &               | ) |                   |
|--------------------------------|---|-------------------|
| MARY S. MATHEWSON,             | ) |                   |
|                                | ) |                   |
| Petitioners,                   | ) |                   |
|                                | ) |                   |
| V.                             | ) | Vet. App. 21-4168 |
|                                | ) |                   |
| DENIS McDONOUGH,               | ) |                   |
| in his capacity as             | ) |                   |
| Secretary of Veterans Affairs, | ) |                   |
|                                | ) |                   |
| Respondent.                    | ) |                   |

## NOTICE OF SUPPLEMENTAL AUTHORITY

"When pertinent and significant authority comes to the attention of a party after the party's brief has been filed," U.S. Vet. App. Rule 30(b) requires that the "party shall promptly file notice with the Clerk and serve all other parties." The notice must "set forth the citation(s) to the authority" and "refer to the page of the brief ... to which each citation pertains, and shall state without argument the reasons for the supplemental citation(s)." *Id*.

On November 29, 2021, the Court ordered in relevant part that the parties prepare to discuss at oral argument whether "the Court should adopt the 'inherently transitory' exception to mootness generally." Nov. 29, 2021, Order, at 1. The Petitioners, J. Roni Freund and Mary S. Mathewson, had addressed in their briefing the "inherently transitory" exception to mootness for class-action proceedings. *See* Request for Class Certification and Class Action ("RCA") at 19–20 (filed June 21, 2021); Reply in Support of RCA at 8–9 (filed Nov. 8, 2021).

The Petitioners now file this Notice of Supplemental Authority regarding *Cardona v. Shulkin*, 26 Vet. App. 472 (2014) (per curiam order). They are submitting *Cardona* as pertinent

and significant authority as to the Court's question whether it should adopt the "inherently transitory" exception to mootness generally because *Cardona* addresses whether the Court should adopt a "public interest" exception to mootness generally. *See id.* at 483. Petitioners view *Cardona* as pertinent backdrop for the Court's consideration of its current question.

February 3, 2022

Respectfully submitted,

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