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

GLORIA J. GREER,
Appellant,

v.

Vet.App. No. 20-3047

DENIS McDONOUGH,
Secretary for Veterans Affairs,
Appellee.

**APPELLANT'S RESPONSE IN OPPOSITION TO
VA'S MOTION TO STAY**

Appellant's counsel, Kenneth M. Carpenter, offers the following response in opposition to the Secretary's motion to stay these proceedings. In support of the Ms. Greer's opposition she would aver as follows:

1. The Secretary's motion is premised upon an appeal pending before another panel of this Court, *Cowan v. McDonough*, Vat App. No. 20-6227 which was argued on February 22, 2022.
2. The Secretary's motion accurately sets out the posture of *Cowan*, as it relates to the overlapping issue presented in this appeal.
3. Overlooked by the Secretary in seeking a stay is the second issue presented by this appeal which is whether a Veterans Law Judge is not qualified without evidence from an independent legal opinion to determine whether a trust meets the requirements of the applicable provisions of law.

4. The Secretary submits in his motion that a stay would conserve resources, ensure uniformity in the Court's case law, and permit an orderly development of the law in this area. Sec.Mot., p. 3.
5. Ms. Greer submits that the Secretary has overstated that a stay would conserve resources when regardless of the outcome in *Cowan* there will be no actual conservation of resources because of the second issue presented by this appeal.
6. To the contrary, whether any decision made by the panel in *Cowan* is dispositive or instructive in resolving the first issue in this appeal, this appeal still requires that this Court address the second issue.
7. This appeal was previously scheduled for argument by this panel on July 30, 2021 which was cancelled due to Mr. Brinkman's death. Following the substitution of Ms. Greer, this Court rescheduled argument.
8. No decision by the panel in *Cowan* will resolve this appeal, as a result, a stay as proposed by the Secretary will merely result in the rescheduling of another date for argument.
9. Ms. Greer acknowledges that the outcome in *Cowan* may be dispositive of the first issue and could be instructive but its decision will not assist this Court on the second issue.
10. A stay will only result in another delay in this appeal being argued and decided. A stay will not conserve resources or ensure uniformity in this Court's case law.

WHEREFORE, Ms. Greer asks this Court to deny the Secretary's motion to stay this appeal.

Respectfully Submitted,

/s/Kenneth M. Carpenter
Kenneth M. Carpenter
Counsel for Appellant
Gloria J. Greer
Electronically filed on April 28, 2022.