

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

**BURTON R. RIPLEY, and**  
**LEA-ANN BUTLER**  
individually and on behalf of others  
similarly situated,

**Petitioners,**

v.

**DENIS MCDONOUGH,**  
in his capacity as  
Secretary of Veterans Affairs,

**Respondent.**

Vet. App. No. 21-947

**NOTICE OF DEATH OF PETITIONER LEA-ANN BUTLER**

Pursuant to Rule 43(a)(2) of this Court's Rules of Practice and Procedure, counsel for Petitioners regret to inform the Court of the death of Petitioner Lea-Ann Butler. Counsel understand that Ms. Butler passed away on or around December 22, 2022. Counsel will file Ms. Butler's death certificate once it is available.

Because Ms. Butler's claims became moot upon her death, the Amended Petition should be dismissed as to Ms. Butler. *See White v. West*, 11 Vet. App. 8, 9 (1998) (per curiam). Petitioner Burton Ripley's claims remain live. *See Libertarian Party of Erie Cnty. v. Cuomo*, 970 F.3d 106, 120 (2d Cir. 2020), cert. denied, 141 S. Ct. 2797 (2021) (dismissing claims insofar as they were asserted on behalf of deceased appellant but issuing decision with respect to those remaining and citing FRAP 43(a)(1)–(2) and FRCP 25(a)(1)); *Crowder v. Hous. Auth. of City of Atlanta*, 908 F.2d 843, 846 n.1 (11th Cir. 1990)

(dismissing appeal of deceased appellant while noting that the action as a whole would continue); *see also Monk v. Wilkie*, 32 Vet. App. 87, 97–100 (2019) (dismissing parties presenting mooted claims and issuing a judgment on the merits of the remaining claims in the petition).

DATED: January 5, 2023

Respectfully submitted,

/s/ Kathryn E. Cahoy

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