

In The
**UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

Karen R. Shorette,)	
Petitioner,)	No. 22-4698
)	
v.)	Motion for Remote Argument
)	
Denis McDonough,)	
Secretary of Veterans Affairs,)	
<u>Respondent.</u>)	

Pursuant to Court Rule 27, Petitioner Karen R. Shorette hereby moves the Court for permission for undersigned counsel to participate in the oral argument currently scheduled for May 9, 2023, by remote means. Counsel submits that remote argument (e.g., via Zoom, Teams, or similar means) is appropriate because in-person attendance presents substantial time and resource burdens on undersigned, as shown below.

- Counsel is scheduled for two arguments before this Court in May 2023 (*Shorette*, CAVC No. 22-4698, on May 9, 2023, and *Mayfield*, CAVC No. 21-8176, on May 25, 2023).
- Counsel was recently notified of the scheduling of a long-awaited hearing on a motion to dismiss on May 10, 2023, in an action pending in the United States District Court for the District of South Carolina (located in Columbia, SC) in *Burke v. United States of America* No. 3:22-cv-670-SAL

involving issues of jurisdiction over the VA fiduciary program on which undersigned is the lead attorney.

- There is limited available air travel between Washington, DC, and Columbia, SC, after the *Shorette* oral argument that would enable undersigned to arrive in time to participate the *Burke* hearing. Further, experience has established that this connection is also frequently delayed with limited, if any, rebooking alternatives.
- Traveling by car consumes 7 to 8 hours each way absent congestion delays.
- Rates in the DC area for hotels reasonably accessible to the Court are currently between \$400-\$500 per night, with airfare (if available) currently between \$300-\$700.
- Even absent the risk of missing the District Court argument, the financial and time requirements of personal attendance at two arguments within two weeks is a heavy burden on undersigned solo practice.¹

For all these reasons, Petitioner prays that the Court will grant this motion and order a remote or hybrid oral argument in this matter.

¹ Absent a change in circumstances or further order of the Court, undersigned currently plans on attending the *Mayfield* oral argument in person.

Pursuant to Rule 27, the Secretary's counsel has informed the undersigned that the Secretary is unopposed to this motion.

Petitioner, therefore, respectfully moves for remote participation in the oral argument in this matter.

Respectfully submitted,

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