

MOTION GRANTED

For the Panel



Michael P. Allen
Judge

May 26, 2023

UNITED STATES COURT OF APPEALS FOR V

LUTHER D. SPICER, JR.,
Appellant,

v.

DENIS McDONOUGH,
Secretary of Veterans Affairs,
Appellee.

Vet. App. No. 18-4489

APPELLANT'S UNOPPOSED MOTION FOR LEAVE TO FILE OUT OF TIME THE APPELLANT'S DEATH CERTIFICATE

Pursuant to U.S. Vet. App. R. 26(b), Appellant, below counsel moves for leave to file out of time the Appellant's Death Certificate. Pursuant to the Court's May 3, 2023 Order, the Death Certificate was due to be filed with this Court on May 23, 2023, and due to a calendaring error the Death Certificate was not filed. Accordingly, leave of the Court is now required to submit Death Certificate. The Death Certificate is being filed contemporaneously with this motion. The Secretary's counsel has advised the undersigned that the Secretary is **unopposed** to this motion for leave.

Appellant's counsel takes seriously her responsibilities to comply with the rules of this Court, and apologizes to the Court and to the Secretary for any inconvenience caused by her calendaring error. Counsel for the Secretary has been contacted and is unopposed to this motion.

WHEREFORE, the Appellant respectfully requests that the Court grant this unopposed motion for leave to file the Appellant's Death Certificate.

Respectfully submitted,

/s/ Stacy A. Tromble
Stacy A. Tromble
National Veterans Legal Services Program
1100 Wilson Boulevard, Suite 900
Arlington, VA 22209
(202) 621-5672

Counsel for Appellant