UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Doug Constantine,
Appellant,

v. No. 18-7044

Robert L. Wilkie,
Secretary of Veterans Affairs,
Appellee.

COUNSEL'S CORRECTION OF ERRONEOUS STATEMENT AT ORAL ARGUMENT.

Mr. Attig files this motion to correct a statement he made in the oral argument of this matter on November 4, 2020.

At 34:24 of the oral argument recording, Chief Judge Bartley asked counsel for the Secretary if the *Nehmer* class counsel filed an amicus brief at the U.S. Court of Appeals for the Federal Circuit in *Williams v. Principi,* 310 F.3d 1374 (Fed. Cir. 2002).

At 48:25 of the oral argument recording, I informed the Court that NVLSP had filed an amicus brief before the Federal Circuit, and represented that the amicus asked the Court to defer decision until the appellant in *Williams v. Principi* had exhausted their administrative remedy in the *Nehmer* enforcing district court.

I was wrong; I confused the Veterans Court's *en banc* adjudication of *Williams v. Principi* with the Federal Circuit's review of the Veterans Court's

decision. NVLSP filed an amicus before the Veterans Court.[1] According to the Federal Circuit's docket sheet in *Williams v. Principi,*[2] NVLSP did not file an amicus brief before the Federal Circuit.[3]

I apologize to the Court, the Secretary, and counsel for the Secretary for my mistake. My intent was not to deceive the Court; I confused the proceedings in *Williams v. Principi* before this Court with the proceedings in *Williams v. Principi* before the Federal Circuit.

Respectfully Submitted,
ATTIG | CURRAN | STEEL, PLLC

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[1] *Williams v. Principi,* 15 Vet. App. 189, 190 (2001).
[2] *Exhibit A.*
[3] *Accord, Williams v. Principi,* 15 Vet. App. 189, 190 (2001); *Exhibit A; Williams v. Principi,* 310 F.3d 1374 (Fed. Cir. 2002).

Certificate of Conference & Service

On November 4, 2020, I informed the Secretary that I was filing this motion. I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that on November 4, 2020, I served this motion on the Secretary by and through the Court's E-Filing system:

Office of the General Counsel (027E)
ATTN: Alexander Panio, Attorney
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Respectfully Submitted,
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By: */s/ Chris Attig*
Chris Attig, Attorney