

No. 21-234

IN THE SUPREME COURT OF THE UNITED STATES

Kevin R. George,
Petitioner,

v.

Denis R. McDonough, Secretary of Veterans Affairs,
Respondent.

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rule 26.8 of the Rules of this Court, petitioner Kevin R. George moves for leave to dispense with the requirement of a joint appendix in this case. The respondent agrees that a joint appendix is not necessary.

This veterans-benefits case presents a question regarding the types of agency errors that qualify as “clear and unmistakable,” and are subject to correction, under 38 U.S.C. §§ 5109A and 7111. The opinions of the court of appeals, the Court of Appeals for Veterans Claims, and the Board of Veterans’ Appeals are included in the appendix to the petition for certiorari. The only other pertinent materials are the records of petitioner’s 1975 medical examinations by two governmental entities, the Medical Board and the Physical Examination Board, which collectively span seven pages. The parties do not believe that any other portion of the record merits special attention that warrants the preparation and expense of a joint appendix, nor do they believe that a separate joint appendix would materially assist the Court’s

consideration of the case. Accordingly, petitioner proposes to include the seven-page records of medical examination as an appendix to his brief, an approach the Court has permitted in similar circumstances. *E.g.*, *Pereida v. Wilkinson*, No. 19-438 (O.T. 2020).

We are authorized to state that the Solicitor General, on behalf of respondent, agrees with this proposed approach.

Respectfully submitted,

/s/ Melanie L. Bostwick

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