

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-7055

LUCIA S. DEVILLENA,

Claimant-Appellee,

v.

R. JAMES NICHOLSON,  
Secretary of Veterans Affairs,

Respondent-Appellant.

ON MOTION

Before RADER, Circuit Judge.

### ORDER

The Secretary of Veterans Affairs moves without opposition to stay proceedings in this appeal pending the court's disposition of Vincent v. Nicholson, 2006-7166.

The Secretary asserts that this case and Vincent involve the same issue, specifically, whether the United States Court of Appeals for Veterans Claims correctly concluded that applying a regulatory amendment made in 2000 to claims for dependency and indemnity compensation that were pending on the date of the amendment would be unlawfully retroactive.

We note that the court heard oral argument in Vincent on January 10, 2007. We agree with the Secretary that a stay of proceedings is appropriate.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to stay is granted. The Secretary is directed to inform the court within 30 days of the disposition of Vincent how he believes this appeal should proceed. The appellee may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel that heard Vincent.

February 15, 2007

Date

/s/ Randall R. Rader

Randall R. Rader  
Circuit Judge

cc: Michael R. Viterna, Esq.  
Kyle E. Chadwick, Esq.

s17