

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

JOHN L. MCDONALD,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2011-7078

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 08-2258, Judge William A.
Moorman.

ON MOTION

Before PROST, *Circuit Judge.*

O R D E R

John L. McDonald moves without opposition to stay
proceedings in this appeal pending the court's disposition
of *Cullen v. DVA*, 2011-7005.

McDonald asserts that this case and *Cullen* involve the interpretation of 38 C.F.R. § 4.71a, involving when a claimant is entitled to more than one disability rating for a single disability within a particular diagnostic code.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to stay is granted. McDonald is directed to inform the court within 14 days of the disposition of *Cullen* how he believes this appeal should proceed. The Secretary may also respond within that time.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear *Cullen*.

FOR THE COURT

JUL 8 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Kenneth M. Carpenter, Esq.
Mereyth Cohen Havasy, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JUL 08 2011

JAN HORBALY
CLERK