



Scott J. Laurer
Judge

December 11, 2023

**IN THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS**

**VETERANS LEGAL ADVOCACY
GROUP,**

Petitioner,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,

Respondent.

Vet.App. No. 20-8291

**RESPONDENT'S UNOPPOSED MOTION FOR AN EXTENSION OF
TIME TO RESPOND TO PETITIONER'S APPLICATION FOR
ATTORNEYS' FEES UNDER EAJA UNTIL JANUARY 10, 2024**

Pursuant to U.S. Vet. App. R. 26(b), Respondent, Denis McDonough, Secretary of Veterans Affairs, respectfully moves the Court for a 30-day extension of time within which to respond to Petitioner's Application for Attorneys' Fees Under EAJA. If not for this motion, the Secretary's response would be due on December 11, 2023.

The request for more time is being made because the undersigned counsel has been sick with the flu. Petitioner is not opposed to this motion.

The Secretary has previously been granted 30-days of extension time in the EAJA stage of this appeal. Petitioner has not sought or received any extension time in the EAJA stage of this appeal. On behalf of the Secretary, counsel expresses regret to the Court and Petitioner for any

inconvenience caused by the delay in filing the Secretary's response. However, in view of the aforesaid circumstances, an extension of 30 days, until January 10, 2024, is requested.

WHEREFORE, Respondent Denis McDonough, Secretary of Veterans Affairs, respectfully moves the Court for an extension of time to file a response to Petitioner's Application for Attorney's fees, until January 10, 2024.

Respectfully submitted,

RICHARD J. HIPOLIT

Deputy General Counsel of
Veterans Programs

MARY ANN FLYNN

Chief Counsel

/s/ Melissa A. Timbers

MELISSA A. TIMBERS

Deputy Chief Counsel
Office of General Counsel (027P)
U.S. Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420
(202) 632-4712