

THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

CASE FILE NO.: 21-8048

BRYAN J. HELD
Appellant,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,
Appellee.

**APPELLANT'S APPLICATION
FOR AWARD OF
ATTORNEY'S FEES AND
EXPENSES**

Appellant, Mr. Held, hereby applies to this honorable Court for an award of his attorney's fees and expenses in the amount of \$9,399.05. This application is made pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and this Court's Rule 39.

I. PROCEDURAL HISTORY

On August 24, 2021, the Board of Veterans' Appeals (Board) entered a decision that denied appellant any fees for his work in connection with the veteran's successful CUE motion.

This case was litigated. It was necessary for Mr. Held to (A) examine, inventory, and analyze the claim file; (B) review and inventory the Secretary's designation and (C) counter-designate additional contents of the record on appeal, (D) inspect and inventory the record when it was filed, (E) file an opening brief, (F) review for response the appellee's brief, (G) file a reply brief, and (H) prepare for and attend oral argument.

This Court's dispositive decision was dated November 14, 2023, about 23 months after counsel entered his appearance.

A conference was held on June 28, 2022, and the required briefs were filed by both parties. On March 7, 2023, the case was assigned to Judge Toth and subsequently, on June 8, 2023, the case was submitted to the panel of Judges Toth, Falvey, and Jaquith for a decision. On June 29, 2023, it was ordered that the case be set for oral argument, which ultimately took place on October 5, 2023. The Judges issued an opinion on November 14, 2023 reversing the Board's August 2021 decision and remanding it for further proceedings consistent with the Court's findings.

This application is timely under 28 U.S.C. § 2412(d)(1)(B).

II. AVERMENTS

Mr. Held avers—

- (1) This matter is a civil action;
- (2) This action is against an agency of the United States, namely the Department of Veterans Affairs;
- (3) This matter is not in the nature of tort;
- (4) This matter sought judicial review of an agency action, namely the prior disposition of Mr. Held's appeal to the Board of Veterans' Appeals;
- (5) This Court has jurisdiction over the underlying appeal under 38 U.S.C. § 7252;
- (6) Mr. Held is a "party" to this action within the meaning of 28 U.S.C. § 2412(d)(2)(B);

(7) Mr. Held is a “prevailing party” in this matter within the meaning of 28 U.S.C.

§ 2412(d)(1)(a);

(8) Mr. Held is not the United States;

(9) Mr. Held is eligible to receive the award sought;

(10) The position of the Secretary was not substantially justified; and

(11) There are no special circumstances in this case which make such an award unjust.

Mr. Held submits below an itemized statement of the fees and expenses for which he applies. The attached itemization shows the time counsel spent representing Mr. Held on his appeal to the Court. Accordingly, Mr. Held contends that he is entitled to an award of attorney’s fees and expenses in this matter in the total amount itemized.

III. ARGUMENT

The assessment of the “jurisdictional adequacy” of a petition for EAJA fees is controlled by the factors summarized and applied in, e.g., *Cullens v. Gober*, 14 Vet. App. 234, 237 (2001) (*en banc*).

A. “Court”

This Court is a court authorized to award attorney’s fees and expenses as sought herein. 28 U.S.C. § 2412(d)(2)(F). This Court has exclusive jurisdiction of this matter. 38 U.S.C. § 7252(a).

B. Eligibility: “Party”

Mr. Held is a party eligible to receive an award of fees and expenses because his net worth does not exceed \$2 million. See 28 U.S.C. § 2412(d)(2)(B). Mr. Held thus is a party eligible to receive an award of reasonable fees and expenses.

C. “Prevailing”

To be a “prevailing party” within the meaning of the statute, a party need only have succeeded “on any significant issue in litigation which achieve[d] some of the benefit . . . sought in bringing suit.” *Texas Teachers Association v. Garland Independent School District*, 489 U.S. 782, 791-92, 109A S.Ct. 1486, 1493, 103 L.Ed.2d 866, 876 (1989)).

The “prevailing party” requirement is satisfied by a remand. *Stillwell v. Brown*, 6 Vet. App. 291, 300 (1994). See *Employees of Motorola Ceramic Products v. United States*, 336 F.3d 1360 (Fed. Cir. 2003) (remand because of alleged error and court does not retain jurisdiction). This Court sharpened the criteria for “prevailingness” in *Sumner v. Principi*, 15 Vet. App. 256, 260-61 (2001) (*en banc*). “Prevailingness” now depends on the presence of either a finding by the Court or a concession by the Secretary of “administrative error.” Mr. Held is a “prevailing party” entitled to an award of fees and expenses. For this assertion, Mr. Held relies upon the following to satisfy the *Sumner* criteria:

The Court determined that the Secretary's decision was in contrast to the plain language of 38 U.S.C. § 5904. Specifically, it relied upon a misinterpretation of §

5904(c)(1), and instead relied upon a regulation that "adds requirements to what Congress included in section 5904(C)(1) [sic] as that statute existed in December 2019 when VA granted the veteran's CUE motion." Opinion, at 2. The Court also held that the regulation, 38 C.F.R. § 14.636(c)(2)(ii), was invalid and inconsistent with the plain terms of the statute.

Furthermore, the Court relied upon binding case law that the Board committed error. The Court cited to *Stanley v. Principi*, 283 F.3d 1350 (Fed. Cir. 2002) for its holding that attorneys are entitled to fees "for work performed on a claim to reopen an earlier final decision based on CUE." Opinion, at 9. The Court also cited to *Carpenter v. Nicholson*, 452 F.3d 1379 (Fed. Cir. 2006) for its holding that "a claim ... does not become a different 'case' at each stage of the often lengthy and complex proceedings" Opinion, at 9-10.

Finally, and most compelling, the Court cited to *MVA v. Sec'y of Veterans Affairs*, 7 F.4th 1110 (Fed. Cir. 2021), where the Federal Circuit invalidated, substantively, the same regulation at issue in this appeal. The Court emphasized that *MVA* held "section 5904(c)(1) contain[s] no limitations on representatives' fees other than requiring 'notice of the ... initial decision ... with respect to the case.'" Opinion, at 11. The Court further explained "that is precisely the point we have made about the Secretary's regulation concerning fees related to CUE motions addressing initial decisions before the AMA became effective." *Id.*

D. The Position of the Secretary Was Not Substantially Justified

To defeat this application for fees and expenses the Secretary must show that the Government's position was "substantially justified." *Brewer v. American Battle Monument Commission*, 814 F.2d 1564, 1566 (Fed. Cir. 1987); *Stillwell v. Brown*, 6 Vet. App. 291, 301 (1994) (92-205), *appeal dismissed*, 46 F.3d 1111 (Fed. Cir. 1995) (94-7090). See 28 U.S.C. § 2412(d)(1)(B). The Government must show its position to have had a "reasonable basis both in law and fact." *Pierce v. Underwood*, 487 U.S. 552, 563-68, 108B S.Ct. 2541, 2549-51, 101L.Ed.2d. 503-506 (1988); *Beta Systems v. United States*, 866 F.2d 1404, 1406 (Fed. Cir. 1989).

"Substantial justification" is in the nature of an affirmative defense: If the Secretary wishes to have its benefit, he must carry the burden of proof on the issue. *Clemmons v. West*, 12 Vet. App. 245, 246 (1999) (97-2138), *appeal dismissed*, 206 F.3d 1401 (Fed. Cir. 2000) (99-7107), *rehrg denied*, __ F.3d __ (May 2, 2000). It is sufficient for Mr. Held simply to aver this element.

E. Itemized Statement of Fees and Expenses

Annexed to this application are the required declaration of the lawyer, Exhibit A, and an itemized statement of the services rendered and the fees and expenses for which Mr. Held seeks compensation, Exhibit B. See 28 U.S.C. § 2412(d)(1)(B).

Mr. Held's counsel seeks compensation for attorney's fees and expenses incurred at the following rate and in the amounts shown¹ for representation in this Court:

Attorney & Administrative Services	Rate:	Hours:	Fee:	Totals:
Kenneth H. Dojaquez, Attorney	\$235.94	33.58	\$7,922.87	\$7,922.87
Paralegal	\$173.02	3.90	\$674.78	\$674.78
Total for Services				\$8,597.65
Total for Expenses				\$801.40
Total for Application				\$9,399.05

F. Calculation of Rate of Fees

The fees in this case were calculated using the maximum hourly rate permitted under EAJA.

1. Lawyer's Standard Rates.

At the Court, Mr. Dojaquez' standard fee agreement states he shall be entitled to the greater of 20% of the gross amount of any past due benefits recovered for the appellant or an award of attorney's fees under EAJA. At the agency level, Mr. Dojaquez similarly limits his fee to a 20% contingency fee. Mr. Dojaquez' practice is limited to veteran benefits law; thus, Mr. Dojaquez considers his standard hourly rate to be commensurate with the "EAJA" rate in effect at the time Mr. Dojaquez provides services. However, based upon his geographical area, years of practice, and experience in veterans benefits law, a reasonable hourly rate for his services in other types of cases would be at least \$200.00.

2. Reasonableness of Lawyer's Rate.

¹ The chart summarizes hours, fees, and expenses. The chart only reflects hours of work performed for which the applicant is seeking compensation. Exhibit B is an itemized list of all fees and expenses—even those for which the applicant is not seeking compensation.

Widely followed tabulations establish that the lawyer's hourly rate billed in this application is well below the prevailing rate. See the "*Laffey*² matrix" and a similar table attributed to the United States Attorney, both of which appeared in *Covington v. District of Columbia*, 839 F. Supp. 894, 904 (D.D.C.) in 1993; and see a similar version of the "*Laffey* matrix" from BARTON F. STICHMAN & RONALD B. ABRAMS, THE VETERANS BENEFITS MANUAL, p. 1634 (2009). The *Covington* and VBM versions of the "*Laffey* matrix" have been adjusted for inflation. One readily finds that the lawyer's rate for attorney fees in this case is well below the rates shown in the tabulations.

Also, in Exhibit A, the applicant's lawyer declares the billing rate utilized in Mr. Held's case is less than the prevailing market rate for similar services performed by attorneys in Columbia, South Carolina.

3. Calculation of "EAJA Cap."

As the Court is aware, the statutory maximum rate for lawyer fees under EAJA is now \$125.00 per hour. 28 U.S.C. § 2412(d)(2)(A). It may be adjusted for inflation by using the United States Department of Labor's Consumer Price Index for All Urban Consumers (published by the Bureau of Labor Statistics) appropriate to the region, *Mannino v. West*, 12 Vet. App. 242, 244 (1999) (97-784), for the approximate mid-point of the representation. For this case, we used the date on which the Appellant's opening brief was filed, September 7, 2022, as the mid-point of representation. *Elczyn v. Brown*, 7 Vet. App. 170, 181 (1994). Exhibit C. The rate-cap for the fees for lawyer services used in this application has been calculated as follows:

² *Laffey v. Northwest Airlines, Inc.*, 572 F.Supp. 354 (D.D.C. 1983).

$$\begin{array}{lcl}
 \$125 \times \frac{\text{CPI-U [Southern Region, (September 2022)]}^3}{\text{CPI-U (Southern Region, March 1996)}} & = & \$125 \times \frac{287.656}{152.4} = \$235.94
 \end{array}$$

4. *Rate Applied.*

Mr. Dojaquez is the only person who performed work on this case, so only one billing rate was used.

5. *Billings Herein & “Billing Judgment.”*

The lawyer has also reviewed the itemization to exercise “billing judgment” by determining whether the activity or expense might be an overhead expense or, for any other reason, not properly billable. The lawyer also seeks to assure sound “billing judgment” by reducing, where appropriate, the number of billable hours of work performed that might be considered excessive and by seeking less than the “EAJA-CPI rate.” However, the lawyer will be grateful to have brought to his attention any mistakes which might remain.

6. *Paralegal*

The prevailing market rate for the work done by paralegals in the Columbia, SC area was at least \$180.00 from June 1, 2020, to the present. See USAO Attorney’s Fees Matrix, 2015-2021 (Exhibit D) (“The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Nw. Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), *aff’d in part, rev’d in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985),

³ The CPI-U is available at the Internet web site of the Bureau of Labor Statistics, <https://beta.bls.gov/dataViewer/view/timeseries/CUUR0300SA0>

and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore ... area.”); see also *Sandoval v. Brown*, 9 Vet. App. 177, 181 (1996); *Richlin Sec. Serv. Co. v. Chertoff*, 553 U.S. 571 (2008).

The hourly rate for a paralegal in South Carolina is determined by adjusting the rate for the Washington-Baltimore area based on the ratio of the CPI-U of SC over Washington-Baltimore. This method considers the different cost of living associated between the two locales. The CPI-U for the Southern Region, encompassing Mrs. Blackwelder’s location in Columbia, South Carolina, in September 2022 was 287.656. See Exhibit C. The product of \$180.00 and the ratio of 287.656 to 299.268 (DC) equals \$173.02.

G. Expenses

All expenses are claimed at the actual cost incurred, with no “mark ups” or premiums.

H. Reasonableness of the Fee

Finally, it is necessary to show the reasonableness of the award sought on the basis of the 12 factors summarized in *Hensley v. Eckerhart*, 461 U.S. 424, 430 n. 3, 103A S.Ct. 1933, 76 L.Ed.2d 40 (1983):

1. *The time and labor* required is reported in the attached itemization.
2. *The novelty and difficulty of the questions.* This factor did not affect this engagement.

3. *The skill requisite to perform the legal service properly.* Veterans disability is a species of law of its own, requiring specialization, continuing education, and experience.
4. *The preclusion of employment by the attorney due to acceptance of the case.* This factor did not affect this engagement.
5. *The customary fee.* There are no lawyers known to the applicant and counsel who accept clients in veterans' benefits matters on the basis of a "flat rate" or "customary fee."
6. *Whether the fee is fixed or contingent.* The engagement agreement in this case is contingent upon sufficient success on the merits. Pursuant to the agreement, the attorney shall be entitled to an award of attorney's fees under EAJA.
7. *Time limitations imposed by the client or the circumstances.* This engagement was not affected by unusual urgency.
8. *The amount involved and the results obtained.* The amount for which the application is made is stated earlier. The amount of the veteran's benefits in controversy is not regarded by the applicant as relevant for the purposes of this application.
9. *The experience, reputation, and ability of the attorney.* The lawyer whose fees are sought is now in his 12th year in the practice of veteran's benefits law. He is a member and an active participant in the National Organization of Veterans' Advocates.

10. *The “undesirability” of the case.* This engagement was not affected by this factor.

11. *The nature and length of the professional relationship with the client.* Undersigned counsel has represented Mr. Held since December 2021 through the filing of this appeal and will represent him on the remand to the Board.

12. *Awards in similar cases.* EAJA awards in veterans benefits cases are not collected in a counterpart of a jury award digest, but decisions of this Court reveal awards over \$20,000.00. *E.g., Perry v. West*, 11 Vet. App. 319 (1998) (\$20,430 award approved); *Ussery v. Brown*, 10 Vet. App. 51 (1997) (93-0696) (approved application for \$21,898).

I. Wrap-Up Application

Mr. Held recognizes that the Secretary is privileged to oppose this application. Such a dispute may require that Mr. Held file responsive pleadings. In those instances, Mr. Held asks that he be permitted to supplement this application with a single, final “wrap-up” application which would include fees and expenses incurred after the date of this application.

IV. Prayer for Relief

Mr. Held respectfully moves for an order awarding to appellant his attorney's fees and expenses as set forth herein. This application for attorney's fees and expenses is—

Respectfully submitted for Mr. Held by:

/s/ Kenneth H. Dojaquez

Kenneth H. Dojaquez, Esq.
Attorney for Appellant
Carpenter Chartered
P. O. Box 2099
Topeka, KS 66601
Telephone: 785-357-5251
Email: kenny@carpenterchartered.com

ANNEXED

Exhibit A Lawyer's Declaration

Exhibit BItemized List of Services, Fees, and Expenses

Exhibit CCPI-U Chart

Exhibit D *Laffey Matrix*

Exhibit E Declaration of net worth

THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

CASE FILE NO.: 21-8048

BRYAN J. HELD,
Appellant,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,
Appellee.

**ATTORNEY'S
DECLARATION
RE: ITEMIZATION OF
FEES AND EXPENSES**

Kenneth H. Dojaquez, attorney for the appellant, hereby declares and states:

1. I am the lawyer who represents the appellant named in this appeal. This declaration is based upon my personal knowledge as stated herein.

2. On December 16, 2021, the appellant signed an engagement agreement for me to represent him with a pending appeal before the Court. I have represented appellant in this matter continuously since that date. I entered my appearance in this case on December 16, 2021.

3. The work I performed in this case is itemized in the attached statement of fees and expenses.

4. The engagement agreement in this case is contingent upon sufficient success on the merits. Pursuant to the agreement, I will be entitled to an award of attorney's fees under EAJA. I explained to Mr. Held that, if we were successful at the Court, I would apply for my fees under EAJA.

5. To ensure my billing rates are reasonable, I consulted with other practitioners. Based upon my personal experience at a private firm in Columbia, South Carolina, and inquiry to other practitioners, the billing rates charged by me in Mr. Held's case are consistent with or less than the prevailing market rates for similar services performed by attorneys in Columbia, South Carolina.

6. The attached itemization of fees and expenses is based on entries made contemporaneously with the work or expenditure. Fees for time are based on measured time or reasonably accurate estimates sometimes rounded to hundredths of an hour. I have reviewed the itemized billing statement of fees and expenses to ensure they are correct. I am satisfied that the statement accurately reflects the work I performed. I know of no errors or misrepresentations in the statement. I have considered and eliminated all time that is excessive or redundant.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed in Columbia, South Carolina, this the following date: May 15, 2024

/s/ Kenneth H. Dojaquez

Kenneth H. Dojaquez, Esq.
Attorney for Appellant
Carpenter Chartered
P. O. Box 2099
Topeka, KS 66601
Telephone: 785-357-5251
Email: kenny@carpenterchartered.com

	Start	End	Time	Hours	
2021					
17-Nov-21	8:45	9:00	0:15	0.25	Reviewed BVA decision for possible errors.
16-Dec-21			0:00	0.25	Paralegal: prepare and file NOA and other forms
22-Dec-21			0:00	0.25	Paralegal: prepare and send notice of appeal to veteran as a contested claim
2022					
28-Feb-22	10:31	11:12	0:41	0.68	Paralegal: RBA review
4-Apr-22	12:15	13:00	0:45	0.75	Draft R33 memo
	13:35	13:55	0:20	0.33	Draft R33 memo
12-Apr-22			0:00	0.25	Paralegal: prepare and redact RBA cites in memo
28-Jun-22	9:30	9:45	0:15	0.25	Prepare for R33 conf call
	10:30	10:50	0:20	0.33	R33 conf call. Drafted email to client ref possible settlement. Client rejected
6-Sep-22	9:10	9:36	0:26	0.43	Draft brief: facts and summary of argument
	9:36	10:17	0:41	0.68	Draft brief: argument
	11:44	12:50	1:06	1.10	Draft brief: argument
7-Sep-22	7:52	8:10	0:18	0.30	Paralegal: draft TOC/TOA; final revisions for filing; file brief
2022					
14-Feb-23			0:00	2.00	Draft reply brief: argument
15-Feb-23	9:50	10:10	0:20	0.33	Draft reply brief: edit and revise
	11:00	11:52	0:52	0.87	Draft reply brief: edit and revise
15-Feb-23	16:32	16:47	0:15	0.25	Paralegal: draft TOC/TOA; final revisions for filing; file reply brief
6-Mar-23	10:37	10:47	0:10	0.17	Paralegal: review ROP
27-Sep-23	7:15	12:30	5:15	5.25	Prep for oral argument/moot
	12:30	14:00	1:30	1.50	Moot oral argument
4-Oct-23	10:00	17:00	7:00	7.00	Travel from SC to Gainesville
	20:00	22:30	2:30	2.50	Prep for oral argument
5-Oct-23	8:00	10:30	2:30	2.00	Oral argument
	15:00	22:00	7:00	7.00	Travel from Gainesville to SC
6-Oct-23			0:00	0.50	Draft email to client to give update on case
	8:45	9:15	0:30	0.50	Call with client to discuss case
14-May-24	10:45	12:30	1:45	1.75	Paralegal: draft EAJA application
			0:00		
				33.58	Total Hours (Attorney)
				235.94	Rate
				7,922.87	Total Fee (Attorney)
				3.90	Total Hours (Paralegal)

				173.02	Rate
				674.78	Total Fee (Paralegal)
				8,597.65	Total Fee
Expenses					
				50.00	CAVC filing fee
				457.40	Airfare
				162.05	Hotel
				52.50	Airport parking
				79.45	Taxi/Uber
				801.40	Total expenses
Total for application					
				9,399.05	Total

Start and end times are depicted as in the 24 hr clock

Time is depicted as hour:minutes

Hours depicted as fractions of hours (e.g. 1.25 is one hour 15 minutes)

Kenny Dojaquez

From: noreply@smsvalet.com on behalf of Valet Services - Columbia Metro Airport
<noreply@smsvalet.com>
Sent: Monday, October 9, 2023 8:39 AM
To: Kenny Dojaquez
Subject: Columbia Metro Airport Valet Services

NOTICE: If this receipt was sent in error, please click [here](#) and you will be unsubscribed.
Thank you for using our Valet Services

Payment Receipt

Valet Services at CAE

CONTROL NUMBER: COL001182

Date In:	10/5/2023	Area:	Valet Drive
Time In:	9:55 PM	Phone:	**7897
Date Out:	10/5/2023	Ticket #:	1129
Time Out:	9:57 PM	Plate:	1429NY
Park Time:	0h 02m		
Parking Fees:	\$0.00		

Additional Services

Add Days	\$50.00
TSA Inspection?	\$0.00

Convenience fee	\$2.50
-----------------	--------

Total Paid: \$52.50

Paid with \$52.50 American Express **1113 (self-pay) Approval Code : 161444

Thanks for parking with Southern Valet!

CAEparking@southernvalet.com
803-966-7996





Date of Purchase: Aug 26, 2023

Flight Receipt for Columbia, SC to Atlanta, GA

PASSENGER INFORMATION

KENNETH DOJAQUEZ

SkyMiles Number [REDACTED]

Confirmation Number: [REDACTED]

Ticket Number: 0062138962836

FLIGHT INFORMATION

Date and Flight	Status	Class	Seat/Cabin
CAE>ATL Wed 04Oct2023 DL 2193	FLWN	T	
ATL>GNV Wed 04Oct2023 DL 2392	FLWN	T	
GNV>ATL Thu 05Oct2023 DL 2392	FLWN	U	
ATL>CAE Thu 05Oct2023 DL 1240	FLWN	U	

DETAILED CHARGES

Air Transportation Charges

Base Fare: \$380.46 USD

Taxes, Fees & Charges:

United States - September 11th Security Fee(Passenger Civil Aviation Security Service Fee) (AY)	\$11.20 USD
United States - Transportation Tax (US)	\$28.54 USD
United States - Passenger Facility Charge (XF)	\$18.00 USD
United States - Flight Segment Tax (ZP)	\$19.20 USD

Total Price: \$457.40 USD

Credit Information

Total Ticket Price Difference: USD-99.00 USD

Service Charge: USD0.00 USD

Amount Credited: USD-99.00 USD

Applied ECredit (0062134129196)	\$457.40
Remaining ECredit Balance(0060206163404)	\$99.00



Hyatt Place Gainesville Downtown
212 SE 1st Street
Gainesville, FL 32601
Tel: 352-496-7500
hyattplacegainesvilledowntown.com

COPY OF INVOICE

Kenny Dojaquez
4633 Perry Court
Columbia SC 29206
United States

Confirmation No. 6298419201

Group Name

Room No. 0515
Arrival 10-04-23
Departure 10-05-23
Folio Window 1
Folio No. 27120

Date	Description	Charges	Credits
10-04-23	Accommodation	144.05	
10-04-23	State Sales Tax	8.64	
10-04-23	County Sales Tax	2.16	
10-04-23	Alachua County Bed Tax	7.20	
10-05-23	American Express XXXXXXXXXXXXX3009 XX/XX		162.05

Total	162.05	162.05
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Guest Signature

Balance	0.00
----------------	------

I agree that my liability for this bill is not waived and I agree to be held personally liable in the event that the indicated person, company or association fails to pay for any part or the full amount of these charges.

WE HOPE YOU ENJOYED YOUR STAY WITH US!

World of Hyatt Summary

Membership: XXXXXX349Q
Bonus Codes:
Qualifying Nights: 1
Eligible Spend: 144.05
Redemption Eligible: 18.00

Please remit payment to:
Hyatt Place Gainesville Downtown
212 SE 1st Street
Gainesville, FL 32601
United States

Summary Invoice, please see front desk for eligible details.

Thank you for choosing Hyatt Place Gainesville Downtown. Our goal is to provide every guest with an exceptional stay, and we are interested in any comments regarding your visit. Please let us know your thoughts at gnvzg-guest.services@hyatt.com or contact us by telephone at 352-496-7500.

24hr.gainesville 1st Cad



Let 24hr.gainesville 1st Cad know how your experience was

\$38.92

Custom Amount\$32.00

Purchase Subtotal\$32.00
Sales Tax (6%) \$1.92
Tip \$5.00

Total \$38.92



24hr.gainesville 1st Cad

AMEX 1113 (Swipe)
AMERICAN EXPRESS
KENNETH DOJAQUEZ

Oct 4
2023 at
4:29
PM
#BSt4
Auth
code:
513155



Receipt Settings

[Not your receipt?](#)
[Manage preferences](#)

© 2023 Square [Privacy Policy](#)
1955 Broadway, Suite 600
Oakland, CA 94612



October 5, 2023

Thanks for tipping, Kenny

We hope you enjoyed your ride this evening.

Total	\$16.16
-------	---------

Trip fare	\$7.51
-----------	--------

Subtotal	\$7.51
Booking Fee	\$4.24
Tips	\$5.00
Promotion	-\$0.59

Payments



	Google Pay	\$11.16
	10/5/23 8:23 AM	
	Google Pay	\$5.00
	10/5/23 8:26 AM	

A temporary hold of \$11.16 was placed on your payment method Google Pay. This is not a charge and will be removed. It should disappear from your bank statement shortly.

[Visit the trip page](#) for more information, including invoices (where available)

You rode with Carey

UberX 2.90 miles | 14 min

	8:08 AM 212 SE 1st St, Gainesville, FL 32601, US
	8:22 AM 309 Village Dr, Gainesville, FL 32611, US

Fare does not include fees that may be charged by your bank. Please contact your bank directly for inquiries.



October 5, 2023

Thanks for tipping, Kenny

We hope you enjoyed your ride this evening.

Total	\$28.77
-------	---------

Trip fare	\$17.24
-----------	---------

Subtotal	\$17.24
----------	---------

Booking Fee	\$6.74
-------------	--------

Tips	\$4.79
------	--------

Payments

 American Express ****3009	\$23.98
10/5/23 3:00 PM	

 American Express ****3009	\$4.79
10/5/23 3:02 PM	

A temporary hold of \$23.98 was placed on your payment method **** 3009. This is not a charge and will be removed. It should disappear from your bank statement shortly.

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You rode with Joshua

UberX 7.89 miles | 21 min



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Data extracted on: July 10, 2023 (5:35:59 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUUR0300SA0

Not Seasonally Adjusted

Series Title: All items in South urban, all urban consumers, not seasonally adjusted

Area: South

Item: All items

Base Period: 1982-84=100

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Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1996	151.1	151.5	152.4	153.2	153.5	154.0	154.0	154.1	154.5	154.9	155.1	155.1	153.6	152.6	154.6
1997	155.7	156.1	156.5	156.7	156.6	157.0	157.0	157.1	157.5	157.8	157.8	157.3	156.9	156.4	157.4
1998	157.6	157.8	158.2	158.5	158.8	159.1	159.3	159.5	159.5	159.8	159.6	159.6	158.9	158.3	159.6
1999	159.9	160.0	160.6	161.5	161.6	161.7	162.2	162.6	163.2	163.6	163.5	163.6	162.0	160.9	163.1
2000	164.1	164.8	166.5	166.7	166.7	167.5	168.0	168.0	168.5	168.5	168.6	168.4	167.2	166.1	168.3
2001	169.3	170.2	170.6	171.4	171.7	172.2	171.6	171.5	172.2	171.7	171.0	170.3	171.1	170.9	171.4
2002	170.6	171.0	172.1	173.1	173.2	173.5	173.6	173.8	174.2	174.9	174.9	174.6	173.3	172.3	174.3
2003	175.1	176.4	177.5	177.4	176.8	177.2	177.3	177.9	178.3	178.1	177.5	177.5	177.3	176.7	177.8
2004	178.2	179.1	180.1	180.9	182.0	182.9	182.6	182.6	182.8	183.7	183.7	183.3	181.8	180.5	183.1
2005	183.6	184.7	185.9	187.3	187.3	187.8	188.5	189.4	192.0	192.5	190.7	190.1	188.3	186.1	190.5
2006	191.5	191.8	192.8	194.7	195.5	196.3	197.0	197.1	195.8	194.7	194.3	194.8	194.7	193.8	195.6
2007	195.021	195.950	197.904	199.618	200.804	201.675	201.571	201.041	201.697	202.155	203.437	203.457	200.361	198.495	202.226
2008	204.510	205.060	206.676	208.085	210.006	212.324	213.304	212.387	212.650	210.108	205.559	203.501	208.681	207.777	209.585
2009	204.288	205.343	206.001	206.657	207.265	209.343	208.819	209.000	208.912	209.292	209.738	209.476	207.845	206.483	209.206
2010	210.056	210.020	211.216	211.528	211.423	211.232	210.988	211.308	211.775	212.026	211.996	212.488	211.338	210.913	211.764
2011	213.589	214.735	217.214	218.820	219.820	219.318	219.682	220.471	220.371	219.969	219.961	219.469	218.618	217.249	219.987
2012	220.497	221.802	223.314	224.275	223.356	223.004	222.667	223.919	225.052	224.504	223.404	223.109	223.242	222.708	223.776
2013	223.933	225.874	226.628	226.202	226.289	227.148	227.548	227.837	227.876	227.420	226.811	227.082	226.721	226.012	227.429
2014	227.673	228.664	230.095	231.346	231.762	232.269	232.013	231.611	231.762	231.131	229.845	228.451	230.552	230.302	230.802
2015	226.855	227.944	229.337	229.957	230.886	232.026	231.719	231.260	230.913	230.860	230.422	229.581	230.147	229.501	230.793
2016	229.469	229.646	230.977	231.975	232.906	233.838	233.292	233.561	234.069	234.337	234.029	234.204	232.692	231.469	233.915
2017	235.492	236.052	236.154	236.728	236.774	237.346	236.942	237.892	239.649	239.067	238.861	238.512	237.456	236.424	238.487
2018	239.772	241.123	241.595	242.486	243.279	243.770	243.776	243.605	243.640	244.163	243.484	242.150	242.737	242.004	243.470
2019	242.547	243.856	245.554	246.847	246.667	246.515	247.250	246.953	246.891	247.423	247.385	247.289	246.265	245.331	247.199
2020	248.005	248.412	248.136	246.254	245.696	247.223	248.619	249.639	250.193	250.542	250.255	250.693	248.639	247.288	249.990
2021	252.067	253.386	255.319	257.207	259.343	261.668	263.013	263.728	264.593	267.160	268.360	269.263	261.259	256.498	266.020
2022	271.634	274.688	278.598	279.879	283.307	287.427	287.608	287.168	287.656	288.836	288.991	288.205	283.666	279.256	288.077

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Data extracted on: July 10, 2023 (5:33:26 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS35ASA0

Not Seasonally Adjusted

Series Title: All items in Washington-Arlington-Alexandria, DC-VA-MD-WV, all urban consumers, not seasonally adjusted

Area: Washington-Arlington-Alexandria, DC-VA-MD-WV

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1996	156.8		158.4		159.0		160.1		160.8		161.2		159.6	158.3	160.8
1997	161.6		161.9		162.1		162.9		163.6		161.8		162.4	162.0	162.8
1998	162.5		163.5		163.6		164.9		165.2		164.5				
1999	165.4		165.9		167.0		168.3		169.8		169.1				
2000	169.8		173.2		172.5		174.8		175.0		175.3				
2001	175.9		177.2		178.0		179.2		180.9		179.5				
2002	180.0		181.9		183.6		184.2		185.8		185.4				
2003	186.3		188.8		188.7		190.2		190.8		190.4				
2004	190.7		192.8		194.1		195.4		196.5		197.2				
2005	198.2		200.4		201.8		202.8		205.6		204.3				
2006	205.6		206.4		209.1		211.4		211.2		210.1				
2007	211.101		214.455		216.097		217.198		218.457		218.331				
2008	220.587		222.554		224.525		228.918		228.871		223.569				
2009	221.830		222.630		223.583		226.084		227.181		226.533				
2010	227.440		228.480		228.628		228.432		230.612		230.531				
2011	232.770		235.182		237.348		238.191		238.725		238.175				
2012	238.994		242.235		242.446		241.744		244.720		243.199				
2013	243.473		245.477		245.499		246.178		247.838		247.264				
2014	247.679		249.591		250.443		250.326		250.634		249.972				
2015	247.127		249.985		251.825		250.992		252.376		251.327		250.664	249.828	251.500
2016	250.807		252.718		254.850		254.305		253.513		253.989		253.422	253.049	253.795
2017	254.495		255.435		255.502		255.518		257.816		257.872		256.221	255.332	257.110
2018	260.219		260.026		261.770		262.016		263.056		261.120		261.445	260.903	261.987
2019	262.304		264.257		265.967		265.170		265.500		265.026		264.777	264.252	265.301
2020	266.433		265.385		265.733		267.287		268.788		268.700		267.157	265.954	268.359
2021	270.535		272.347		275.822		279.099		280.933		284.240		277.728	273.603	281.852
2022	286.678		292.227		296.559		299.937		299.268		300.085		296.117	292.543	299.690

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USAO ATTORNEY'S FEES MATRIX — 2015-2021*Revised Methodology starting with 2015-2016 Year*

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
31+ years	568	581	602	613	637	665
21-30 years	530	543	563	572	595	621
16-20 years	504	516	536	544	566	591
11-15 years	455	465	483	491	510	532
8-10 years	386	395	410	417	433	452
6-7 years	332	339	352	358	372	388
4-5 years	325	332	346	351	365	380
2-3 years	315	322	334	340	353	369
Less than 2 years	284	291	302	307	319	333
Paralegals & Law Clerks	154	157	164	166	173	180

Explanatory Notes

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at <http://www.bls.gov/ppi>. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Bryan J. Held,

Appellant,

v.

**Denis McDonough,
Secretary of Veterans Affairs,**

Appellee.

U.S.C.A.V.C. Case No.:

DECLARATION OF NET WORTH

Appellant, Bryan J. Held, hereby declares and states:

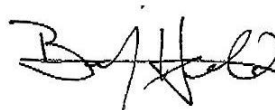
1. I am the appellant named in this appeal. This declaration is based upon my personal knowledge.

2. At the time this civil action was filed, my personal net worth did not exceed \$2,000,000 (two million dollars); nor did I own any unincorporated business, partnership, corporation, association, unit of local government, or organization, the net worth of which exceeded \$7,000,000 (seven million dollars) and which had more than 500 employees.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 16, 2021.

Executed at: Conroe, TX



Bryan J. Held

EXHIBIT 1

Exhibit E