

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

**EDDIE C. CLARK,** )  
Appellant, )  
 )  
v. ) Vet. App. No. 16-2826  
 )  
**ROBERT L. WILKIE,** )  
Secretary of Veterans Affairs, )  
Appellee. )

**APPELLEE’S UNOPPOSED MOTION FOR A 45-DAY EXTENSION OF TIME  
TO RESPOND TO APPELLANT’S APPLICATION FOR AN AWARD OF  
ATTORNEYS FEE’S AND EXPENSES**

Pursuant to U.S. Vet. App. R. 26(b) and 27, and, the Secretary respectfully moves the Court for a 45-day extension of time, until December 20, 2018, to respond to Appellant’s application for an award of attorneys’ fees and expenses under the Equal Access for Justice Act (EAJA), 28 U.S.C. § 2412(d) (EAJA application). The Secretary’s counsel has reviewed the EAJA application, but he needs additional time to obtain supervisory approval for the Secretary’s response.

In compliance with Rule 26, the Secretary states: his response is due to be filed November 5, 2018; neither party has received any extensions during the fees portion of this case; and Appellant is unopposed to this motion.

**WHEREFORE**, the Secretary respectfully requests that the Court grant the Secretary’s motion for an extension of time, until December 20, 2018.

Respectfully submitted,

**JAMES M. BYRNE**  
General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ Mark D. Vichich

**MARK D. VICHICH**

Senior Appellate Attorney  
Office of General Counsel (027E)  
U.S. Dept. of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, DC 20420  
(202) 632-5985

Attorneys for Appellee,  
Secretary of Veterans Affairs