

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

KAREN DIXON,
Appellant,

v.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,
Appellee.

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Vet. App. No. 08-1475

**SECRETARY'S RESPONSE UNDER U.S. VET. APP. R. 39 AND TO COURT
ORDER DATED OCTOBER 23, 2018**

Pursuant to U.S. Vet. App. Rule 39 and the order of the court dated October 23, 2018, Appellee, Secretary of Veterans Affairs ("Secretary"), responds to Appellant's application for a supplemental award of attorney fees and expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On November 9, 2018, counsel for Appellant agreed to reduce his supplemental request for fees and expenses from \$28,130.09 to \$26,641.57 (a reduction of \$1,488.52). For the sole purpose of avoiding further litigation and the costs related thereto, the Secretary does not contest the reasonableness of the reduced amount requested, and is prepared to make payment to Appellant and his representative of record. The Secretary's concession here, however, in no way denotes his position as to any issue or matter presented herein which may potentially affect the litigation or settlement of future applications for attorney fees and costs filed with this Court pursuant to 28 U.S.C. § 2412.

CONCLUSION

WHEREFORE, Appellee, Secretary of Veterans Affairs, respectfully responds to Appellant's application for the award of attorney fees and other

expenses, and advises the Court that he does not contest an award in an amount deemed reasonable by the Court, up to \$26,641.57.

Respectfully submitted,

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MARY ANN FLYNN
Chief Counsel

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CHRISTOPHER W. WALLACE
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/s/ Ronen Morris
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