

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

MOTION GRANTED

February 4, 2019

Robert N. Davis
Chief Judge



WILLIE S. JOHNSON,

Appellant

v.

ROBERT L. WILKIE,
Secretary of Veterans Affairs,

Appellee.

Vet. App. No. 16-3808

APPELLEE'S UNOPPOSED MOTION FOR STAY OF EAJA PROCEEDINGS

Pursuant to U.S. Vet. App. Rule 5, Appellee, Robert L. Wilkie, Secretary of Veterans Affairs, through undersigned counsel, respectfully moves the Court for a stay of proceedings pending the resolution of the Court's decision regarding a fee dispute in *Speigner v. Wilkie*, No. 16-2811. *Speigner* was argued before a panel on October 19, 2018, and is now pending a decision.

The facts underlying the fee dispute in *Speigner* are similar to those in this case. Patrick Berkshire is an attorney with National Veterans Legal Services Program, whose sole office is in Washington, DC. The primary residential home of Patrick Berkshire, where he performed the work associated with this case, is in Augusta, Georgia. Attorney Berkshire seeks compensation based on the Washington, DC, locality rate. The disposition of *Speigner* will materially impact the outcome of this EAJA case. Accordingly, a stay of proceedings is in the interest of judicial efficiency. Counsel for Appellant is unopposed to this motion.

WHEREFORE, Appellee respectfully moves the Court to stay proceedings pending resolution of *Speigner*, or until further order of the Court.

Respectfully submitted,

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/s/ Sarah E. Wolf
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