

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

EDDIE T. CAMPBELL,

Appellant,

v.

ROBERT L. WILKIE,

Secretary of Veterans Affairs,

Appellee.

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Vet. App. No. 17-0934

**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 November 7, 2019, 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). Appellant filed his EAJA application on August 22, 2019, and the Secretary's response is due September 23, 2019. On September 17, 2019, Appellant's counsel informed the Court that Appellant passed away on August 28, 2019. He informed the Court that Appellant's surviving spouse intended to file a motion to substitute. She has not yet filed the motion. Given that the Secretary knows that Appellant is deceased, and given that he believes a substitution motion is forthcoming, the Secretary seeks an extension of time within which to file his response to Appellant's EAJA application.

Neither party has received any extensions in the attorney-fee-application phase of this case.

The Secretary's counsel has spoke to Appellant's counsel of record who states he is not opposed to this extension motion.

WHEREFORE, the Secretary respectfully requests that the Court grant the Secretary's motion for an extension of time, until November 7, 2019.

Respectfully submitted,

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Acting General Counsel

MARY ANN FLYNN
Chief Counsel

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/s/ Mark D. Vichich
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