

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

<b>CARY E. SMITH,</b>	)	
Appellant,	)	
	)	
v.	)	Vet.App. No. 19-4777
	)	
<b>ROBERT L. WILKIE,</b>	)	
Secretary of Veterans Affairs,	)	
Appellee	)	

**APPELLEE'S MOTION FOR A 45-DAY EXTENSION  
OF TIME, UNTIL FEBRUARY 10, 2020, TO RESPOND TO  
APPELLANT'S BRIEF**

Pursuant to U.S. Vet. App. R. 26, and 27, the Secretary respectfully moves this Court for a 45-day extension of time, until February 10, 2020, to respond to Appellant's brief. But for this motion, the Secretary's response is due no later than December 26, 2019. Additional time is needed to complete the brief and for supervisory review thereof. Counsel for the Secretary is working on briefs in 9 other cases; preparing to attend 4 briefing conferences; negotiating with counsel to reach joint agreement in 4 cases and preparing 4 responses to Equal Access to Justice Act (EAJA) applications.

Pursuant to Rule 26(b)(1), the Secretary hereby informs the Court that neither party has requested any extension time in this case thus far. Appellant is pro se.

**WHEREFORE**, the Secretary respectfully requests an extension of time until February 10, 2020, to respond to Appellant's brief.

Respectfully submitted,

**WILLIAM A. HUDSON, JR.**  
Acting General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ Sarah W. Fusina  
**SARAH W. FUSINA**  
Deputy Chief Counsel

/s/ Monique A. S. Allen  
**MONIQUE A. S. ALLEN**  
Appellate Attorney  
Office of the General Counsel (027H)  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420  
(202) 632-6900  
monique.allen@va.gov

Attorneys for Appellee Secretary  
of Veterans Affairs

### **CERTIFICATE OF SERVICE**

Pursuant to U.S. Vet.App. Rule 10(a)(5), I certify under penalty of perjury under the laws of the United States of America that on December 19, 2019, a copy of the foregoing was mailed, postage prepaid, to:

Cary E. Smith  
2509 Huntwick Street  
Grand Prairie, TX 75050

/s/ Monique A. S. Allen  
MONIQUE A. S. ALLEN