

IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

JAMES A. GODSEY, JR., ET AL.)
)
 Petitioners,)
)
 v.)
)
ROBERT L. WILKIE,)
 Secretary of Veterans Affairs,)
)
 Respondent.)

Vet. App. No. 17-4361

**TABLE OF CONTENTS FOR PETITIONERS' APPLICATION
FOR AWARD OF REASONABLE ATTORNEYS' FEES AND
EXPENSES PURSUANT TO 28 U.S.C. § 2412(d)**

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 Secretary of Veterans Affairs,)
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PETITIONERS’ APPLICATION FOR AWARD OF REASONABLE ATTORNEYS’ FEES AND EXPENSES PURSUANT TO 28 U.S.C. § 2412(d)

Pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), and U.S. Vet. App. Rule 39, Petitioners James A. Godsey, Jr., Jeffery Scott Henke, Thomas James Marshall, and Pamela Whitfield (collectively, the “Petitioners”), on behalf of themselves and those similarly situated (collectively, the “Certified Class”), apply for an award of reasonable attorneys’ fees and expenses in the amount of **\$ 204,564.98.**

PRELIMINARY STATEMENT

Petitioners are four individuals among thousands who, when Petitioners filed this action, had been suffering unreasonable Department of Veterans Affairs (“VA”) delay in certifying to the Board of Veterans’ Appeals (“Board”) their timely substantive appeals. On April 26, 2017, the U.S. Court of Appeals for the Federal Circuit issued its landmark decision in *Monk v. Shulkin*, for the first time recognizing that this Court may certify a class for class action or similar aggregate resolution procedure. See

855 F.3d 1312, 1321. Class Counsel began working in July 2017 to petition this Court for class-wide relief from VA's unreasonable certification delays.

This litigation would be among the vanguard of cases in which this Court would decide whether to exercise its authority to certify a class action, and the Court's decision in this lawsuit could well have led to a precedential decision addressing whether *any* class action could proceed before it for years to come. Class counsel therefore viewed the litigation at all times as exceptionally important, thoroughly researching, planning, preparing, and vetting every filing while keeping in mind that the ramifications of this case could extend far beyond this case. The work was the product of collaborative analysis and discussion to a much greater degree than this Court typically might see (including from this counsel) in other matters. While cognizant of the fact that the attorneys' fees and expenses claimed in this EAJA application exceed what may be sought in a typical case, the stakes in this case were not typical.

The labor-intensive approach to developing this case was reasonable given the case's unique character, circumstances, and importance. And the relief obtained helped to prevent a flood of individual (non-class) petitions that, in turn, (1) saved claimants, their counsel, VA, and this Court vast work-hours and (2) culminated in relief on a far greater scale than what would have been possible through non-class petitions. As detailed below, Petitioners are "prevailing parties." The Secretary's position was not substantially justified. The attorneys' fees and expenses that have

survived the exercise of billing judgment are reasonable. Petitioners respectfully request that this EAJA application be granted.

PROCEDURAL HISTORY

From July 12, 2017, until November 15, 2017, Class Counsel: (1) researched this Court's existing precedents regarding class actions, petitions seeking relief from unreasonable VA delay, and jurisdictional issues; (2) researched other courts' precedents regarding class actions, petitions seeking relief from unreasonable agency delay, proceedings seeking such relief on a class-wide rather than individual basis, and jurisdictional issues; (3) analyzed the extent to which Congress's unique, pro-claimant system for veterans' claims warrants departing from other courts' class action rules and precedents; (4) analyzed ongoing developments in and beyond this Court pertinent to the contemplated class action, including Congress's passage of the Veterans Appeals Improvement and Modernization Act of 2017 ("AMA") and developments in *Monk* and other putative class or other aggregate proceedings before this Court; (5) communicated with numerous VA claimants suffering from ongoing, unreasonable certification delay; (6) evaluated such claimants' circumstances for suitability to serve as class representatives and investigated their willingness to do so; (7) outlined and drafted the class petition; and (8) prepared numerous exhibits supporting the Class Petition. This list is not exclusive.

Petitioners, through counsel, filed the Class Petition on November 15, 2017. On December 5, 2017, the Secretary moved to stay all proceedings pending this

Court's decision in *Monk*, which by then was on remand from the Federal Circuit. Class Counsel filed a Response in Opposition to that motion the same day.

Two months then elapsed with no order on the Secretary's stay motion and no order requiring the Secretary to respond to the Class Petition. Meanwhile, proceedings forged ahead in contemporaneous putative class actions before this Court on Rule 21 petition. See *Monk*, Vet. App. No. 15-1280, Docket; *Rosinski I*], Vet. App. No. 17-1117, Docket; *Prewitt*, Vet. App. No. 17-4771, Docket. Class Counsel took notice that, in *Monk*, *Rosinski I*, and *Prewitt*, the class proponent had filed a separate Motion for class certification or aggregate action.

Class Counsel continued to believe that a Class Petition, which combined the elements of a standard Rule 21 petition with a request for class certification, was a proper procedural device. Even so, in an attempt to move forward the proceedings in this action (which, again, sought relief from delay), Class Counsel developed a Motion for Class Certification. See *supra* (Dockets showing other actions' progress); see also U.S. Vet. App. R. 27(b)(1) (requiring a motion's opponent to respond within fourteen days). Shortly before Class Counsel finalized the Motion, this Court on March 22, 2018, denied the Secretary's stay motion and ordered the Secretary to file a response to the Class Petition within sixty days. Petitioners accordingly ceased their work on, and did not file, the Motion for Class Certification.

Similarly, on April 2, 2018, the Secretary surprised Petitioners by filing—with no prior notice, no request for Petitioners' position, and no request whether Petitioners intended to file a written response—a Motion for Panel Reconsideration

or, in the Alternative, Full Court Review of this Court's denial of the stay motion. As the Secretary conceded, the motion was "not strictly contemplated by Rule 35." Mot., at 1 n. 1. Class Counsel agreed; the Motion sought reconsideration or full Court review of an interlocutory Order. Consequently, Class Counsel were of the view that the Secretary's motion arose under U.S. Vet. App. R. 27 and, consequently, Petitioners could respond as of right. See U.S. Vet. App. R. 27(b)(1). Class Counsel immediately set to work developing a Response in Opposition to the Motion with the aim of filing it before the Court ruled on the stay motion and notifying the Court of the prejudice class members would suffer from further delay if the stay were to be granted. On April 6, 2018, when the Response in Opposition was nearly final, this Court denied the Motion to the extent that it sought panel reconsideration and held it in abeyance to the extent that it sought full Court review. Petitioners accordingly ceased work on, and did not file, the Response in Opposition.

The Court's Order validated Class Counsel's view that the Motion did not arise under Rule 35. See April 6, 2018 Order, at 1 n.1 ("Rule 35 of the Court's Rules of Practice and Procedure (Rules) does not expressly permit or prohibit a motion for reconsideration of such an interlocutory Court order. However, to the extent that Rule 35 could be read to prohibit such a motion in this case, the Court will suspend that rule to decide this motion." (citations omitted)). In light of the Order, however, Petitioners did not file a Response in Opposition to this Motion.

On June 18, 2018, the full Court denied the Secretary's request for full Court review of this Court's denial of the Secretary's stay motion. On June 20, 2018, as

amended on June 26, 2018, the Secretary filed a Response in Opposition to the Class Petition. Petitioners, through counsel, moved on June 27, 2018, for leave to file a Reply. This Court granted that motion on July 11, 2018. Petitioners, through counsel, filed their Reply in Support of the Class Petition on August 10, 2018.

On August 24, 2018, Petitioners, through counsel, filed a Motion for Oral Argument. This Court stamp-granted the motion on September 13, 2018. On December 19, 2018, the Court scheduled oral argument for February 21, 2019. Oral argument proceeded as scheduled, and this case was fully submitted for decision.

On June 13, 2019, this Court (1) ordered Petitioners' proposed class definition modified; (2) certified the modified class; (3) appointed Petitioners' counsel as class counsel; and (4) granted in part the petition for extraordinary relief on a class-wide basis. This Court granted much of the All Writs Act relief that Petitioners sought, requiring the Secretary to "conduct pre-certification review of all cases that fit within the class definition, and for each class member, within 120 days after the date of this order, either (1) certify" the case "or (2) affirmatively initiate development or adjudication activities necessary for certification or resolution at the [Regional Office]." This Court also ordered that the Secretary file an interim status update.

On August 12, 2019, an individual by the name of Lemuel C. Bray filed a Motion to Join and Intervene in No. 17-4361, which this Court denied without any Party response on September 4, 2019. Meanwhile, on August 13, 2019, the Secretary filed the ordered interim status update. The Parties also negotiated a Privacy Protective stipulation, which Petitioners filed as a Motion for Approval of a

Stipulated Privacy Protective Order on September 25, 2019, and then as a Motion for Approval of a Stipulated Privacy Protective Agreement on October 2, 2019. The Court granted the latter on October 4, 2019.

On October 3, 2019, Petitioners filed two additional motions. The first was a Motion for an Order Requiring Disclosure of Class Members' Contact Information to Class Counsel. The second was a Motion to Enforce the June 13, 2019 Order. The Secretary's 120-day report came due while the Response to these motions remained outstanding, and the Secretary timely filed it on October 9, 2019. The proceedings regarding the Class Contact Information Motion, the Motion to Enforce, and ancillary developments continued on as follows.

Class Contact Information Motion. The Secretary moved for and received an extension of time until November 1, 2019, to respond to the Class Contact Information Motion. The Secretary filed a response to the Class Contact Information Motion on October 31, 2019. On November 4, 2019, this Court ordered that, within 14 days, the Secretary disclose to Class Counsel the last known address for each member of the Certified Class. The Secretary filed notice on November 13, 2019, that the Secretary had completed this disclosure.

Motion to Enforce. On October 17, 2019, the Secretary filed a Response in Opposition to the Motion to Enforce. Based on certain of the Secretary's statements and actions from June 13, 2019, up to and including in the Secretary's October 17 Response in Opposition to this Motion, Petitioners moved on October 24, 2019, for an order holding the Secretary in contempt of the Court's June 13 order. The

Secretary moved on November 6, 2019, for an extension of time to respond to the contempt motion, which this Court granted. The Secretary filed a Response in Opposition to the contempt motion on November 21, 2019. On December 9, 2019, the Secretary then filed a Rule 30(b) Notice advising this Court of the Federal Circuit's December 5, 2019, decision in *Procopio v. Secretary of Veterans Affairs*. On December 12, 2019, the Court denied the October 3 Motion to Enforce as moot and denied the October 24 contempt motion on the merits. In the exercise of billing judgment, we have eliminated all attorneys' fees and expenses incurred in connection with preparing the contempt motion.

The Court entered Judgment on February 6, 2020. The Court entered Mandate under Rule 41(b) of the Court's Rules of Practice and Procedure effective April 6, 2020.

ARGUMENT

I. PETITIONERS ARE PREVAILING PARTIES AND ELIGIBLE TO RECEIVE AN AWARD.

Under 28 U.S.C. § 2412(d), a court shall award to a prevailing party fees and other expenses incurred by that party in any civil action, including proceedings for judicial review of agency action. To obtain "prevailing party" status, a party need only to have obtained success "on any significant issue in litigation which achieve[d] some of the benefit ... sought in bringing the suit." *Shalala v. Schaefer*, 509 U.S. 292, 302 (1993) (quoting *Texas State Teachers Assn. v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 791-92 (1989)).

In this case, Petitioners are prevailing parties entitled to an award of fees and costs because they demonstrated a “clear and indisputable right” to a writ of mandamus; that, given the circumstances, issuance of the writ was warranted; and that class certification and mandamus relief on a class-wide basis were warranted. The Court-ordered relief creates the “material alteration of the legal relationship of the parties’ necessary to permit an award of attorney’s fees.” *Buckhannon Bd. & Care Home, Inc. v. West Virginia Dep’t of Health and Human Res.*, 532 U.S. 598, 604 (2001) (quoting *Garland Indep. Sch. Dist.*, 489 U.S. at 792); see *Bates v. Nicholson*, 20 Vet. App. 185, 189–90 (2006).

Each Petitioner is a party eligible to receive an award of reasonable fees and expenses because his or her net worth did not exceed \$2 million (two million dollars) at the time the Class Petition was filed. As an officer of the Court, the undersigned counsel hereby states that each Petitioner’s net worth did not exceed \$2 million (two million dollars) at the time the Class Petition was filed, nor did he or she own any unincorporated business, partnership, corporation, association, unit of local government, or organization, of which the net worth exceeded \$7 million (seven million dollars) and which had more than 500 employees. See *Bazalo v. Brown*, 9 Vet. App. 304, 309, 311 (1996).

II. THE POSITION OF THE SECRETARY OF VETERANS AFFAIRS WAS NOT SUBSTANTIALLY JUSTIFIED.

The Secretary can defeat a prevailing party’s reasonable application for fees and costs only by demonstrating that the government’s position was substantially

justified. See *Brewer v. American Battle Monument Comm'n*, 814 F.2d 1564, 1566-67 (Fed. Cir. 1987); *Stillwell v. Brown*, 6 Vet. App. 291, 301 (1994). The U.S. Supreme Court has held that for the position of the government to be substantially justified, it must have a “reasonable basis both in law and fact.” *Pierce v. Underwood*, 487 U.S. 552, 565 (1988); accord *Beta Sys. v. United States*, 866 F.2d 1404, 1406 (Fed. Cir. 1989). “Even in a case of first impression, ... the Court must determine whether the Secretary’s position was justified given the totality of the circumstances. We must determine whether the issue presented ‘close’ questions, and whether the Secretary sought an unreasonable interpretation or resolution of the matter.” *Bates*, 20 Vet. App. at 191.

In this case, the Secretary will plainly be unable to satisfy his burden to demonstrate that his administrative and litigation positions were substantially justified. The Secretary either granted or certified each Petitioner’s claims shortly after they filed the petition in November 2017. This immediate action to grant the individual Petitioner’s requested relief demonstrates that the Secretary’s position was not substantially justified on the merits of their individual claims.

The Secretary also cannot show that his position was substantially justified for the more than 2,500 class members’ appeals that collected dust for over 18 months while the Secretary did nothing to initiate pre-certification review. Indeed, this Court determined that Petitioners demonstrated a *clear and indisputable* right to the writ of mandamus, that issuance of an extraordinary writ was warranted, and that issuance of that writ was warranted for the entire certified class. “We agree with the

petitioners,” this Court ruled, “that the current time that it takes the Secretary to initiate pre-certification review after the filing of a Substantive Appeal is per se unreasonable” *Id.* at 228. “[T]here is simply no rule of reason,” it continued, “that can justify a multiyear wait before an RO [Regional Office] even looks at an appealed case” for certification purposes. *Id.* The Court stressed that “[s]uch delays are particularly intolerable because they consist of nothing but waiting in line: no development, not adjudication, no action whatsoever on the part of VA.” *Id.*; see also *Martin v. O’Rourke*, 891 F.3d 1338, 1350 (Moore, J., concurring) (“Unsurprisingly, the government has provided no reason why such a simple task [certification] takes over two years to complete, and I cannot conceive of any rational explanation.”). For these unreasonable delays, the Secretary provided no remedy outside of this litigation and then elected to defend the inexplicable delays in this litigation. That alone renders his administrative and litigation positions substantially unjustified and warrants an award for reasonable fees and costs.

Aside from the merits, the Secretary’s class certification arguments also were not substantially justified, lending further justification for a fee award here. On class certification, the Secretary sought first and foremost to preclude this Court from ever certifying a class notwithstanding the consequences—e.g., a flood of individual petitions collectively providing similarly situated claimants with lesser relief, at far greater cost—and the Federal Circuit’s strong suggestion that this Court not only *could* but *should* employ class certification to remedy systemic delays. See *Ebanks v. Shulkin*, 877 F.3d 1037, 1040 (Fed. Cir. 2017) (petitions seeking relief from

widespread VA delay are “best addressed in the class-action context”). The Secretary argued as a fallback that this Court should dismiss the Class Petition or deny class certification as moot, which this Court squarely rejected on essentially the grounds that Petitioners briefed. *Compare Godsey v. Wilkie*, 31 Vet. App. 207, 218–20 (2019) (per curiam order), *with* Reply in Support of Class Petition, at 6–7 (filed Aug. 10, 2018).

To assess class certification, Petitioners argued that this Court should use Rule 23 of the Federal Rules of Civil Procedure as a guide until it issues its own class action rules. See Class Pet. at 15; *Monk v. Shulkin*, Br. of Amicus Curiae NVLSP, PVA, and VVA (represented by Covington & Burling LLP), at 5–9 (filed Feb. 8, 2018). The full Court determined on remand from the Federal Circuit’s 2017 decision in *Monk* that it would do so. *Monk v. Wilkie*, 30 Vet. App. 167, 170 (2018) (en banc). The three-judge panel here applied that same framework. See *Godsey*, 31 Vet. App. at 220.

The Secretary opposed class certification even though, within the Rule 23 framework, the Secretary conceded numerosity from the outset. The Secretary also opposed certification of even the modified class definition that this Court suggested at oral argument and ultimately adopted—even though the Secretary conceded during argument that the modified class would satisfy numerosity, commonality, typicality, and (subject to the Secretary’s mootness argument), adequacy of representation. See *Godsey*, 31 Vet. App. at 222 (noting the Secretary’s concessions).

This Court did, to be sure, *sua sponte* somewhat narrow Petitioners' proposed class definition and, in so doing, sidestepped a commonality question that had evenly divided this Court in *Monk* and that remains on appeal to the Federal Circuit. *See id.* at 221–22; *see also Monk v. Wilkie*, Fed. Cir. No. 19-1094. Even so, that modification of the proposed class definition, certification of the modified class, and grant of extraordinary relief to the certified class in no way imbues substantial justification on the Secretary's litigation position of opposing class certification and extraordinary relief.

The Court went on to order “the Secretary to conduct pre-certification review of all cases that fit within the class definition, and for each class member, within 120 days after the date of this order, either (1) certify his or her case, or (2) affirmatively initiate any development or adjudication activities necessary for certification or resolution at the [Regional Office].” *Id.* at 230. Although nominally a “grant in part” of the petition, the victory for the Certified Class was near total. Again, the Secretary cannot meet his burden to show that his position in this case was substantially justified.

As a final word regarding the Secretary's lack of “substantial justification” here, this Court interprets the legal standards governing when to issue an extraordinary writ to be onerous to satisfy. This Court disposed of 304 writ petitions during Fiscal Year 2019. U.S. Court of Appeals for Veterans Claims, *Fiscal Year 2019 Annual Report*, at 1. It granted extraordinary relief in exactly three—including *Godsey*. *Id.* at 3. The Court's determinations that Petitioners satisfied this onerous

standard of a clear and indisputable right to relief, that VA's delays in undertaking pre-certification review were unreasonable *per se*, and that relief was warranted on a class-wide basis, further support that VA's delay with respect to Petitioners and the other class members had no reasonable basis in fact or in law and that the position of the Secretary, defending the delay and seeking to force our country's veterans and their dependents to flood this Court with individual, non-class petitions, was similarly without substantial justification.

III. ITEMIZED STATEMENT OF SERVICES RENDERED AND AMOUNTS OF REASONABLE FEES AND EXPENSES

An itemized statement of the services rendered and the reasonable fees and expenses for which Petitioners seek compensation is attached to this application as Exhibit A. Included in Exhibit A is a certification that lead counsel has "(1) reviewed the combined billing statement and is satisfied that it accurately reflects the work performed by all counsel and (2) considered and eliminated all time that is excessive or redundant." *Baldrige and Demel v. Nicholson*, 19 Vet. App. 227, 240 (2005). In the exercise of billing judgment, Petitioners have eliminated **469.0** hours of attorney time and **63.7** hours of paralegal and law clerk time from this itemized statement and this fee petition.

Class Counsel have *not* wholesale eliminated the attorneys' fees incurred to develop the ultimately unfiled Motion for Class Certification and Response in Opposition to the Secretary's Motion for Panel Reconsideration Or, in the Alternative, Full Court Review of this Court's April 2, 2018, denial of the Secretary's stay motion.

Class Counsel respectfully submit that, subject to the same exercise of billing judgment applicable to this action's other pleadings, their attorneys' fees incurred to develop these items are reasonable. Preparing the Motion for Class Certification was reasonable given this action's two-month—and, to all appearances, indefinite—stasis while other putative class proceedings continued to develop. That is so particularly given that Petitioners sought relief from widespread delay.

Additionally, although this Court issued its April 6, 2018 Order denying the Secretary's no-notice motion for panel reconsideration, and holding full Court review in abeyance, shortly before Class Counsel finalized and filed their Response in Opposition, the Order validated Class Counsel's view that Petitioners had a response to the Motion as of right. See Apr. 6, 2018 Order, at 1 n.1. The Secretary also failed to comply with Rule 27(a)(5)'s express requirement to "indicate whether the motion is opposed and, if so, whether the moving party has been advised that a response in opposition will be filed." Developing Petitioners' Response in Opposition to the Motion was reasonable, and so were the attorneys' fees incurred in doing so.

Petitioners seek attorneys' fees at the following rates for representation in the U.S. Court of Appeals for Veterans Claims¹:

¹ A rate in excess of \$125 per hour for the attorneys for Petitioners in this case is justified based on the increase in the cost of living since the EAJA was amended in March 1996. See 28 U.S.C. § 2412(d)(2)(A)(ii). The \$125 attorney fee rate, adjusted for inflation for the Washington Metropolitan Area, was \$202.18 in 2017, \$206.32 in 2018, and \$208.95 in 2019, the years over which litigation took place in this case and for which CPI-U data are available. See Bureau of Labor Statistics Data, Washington-Arlington-Alexandria-D.C.-VA-MD-WV CPI-U (Exhibit B). This rate was calculated by using the CPI-U for the Washington-Arlington-Alexandria-

<u>Name</u>	<u>Rate</u>	<u>Hours</u>	<u>Fee Amount</u>
Barton F. Stichman (1974 law graduate)	\$ 202.18 \$ 206.32 \$ 208.95	11.7 11.6 18.9	\$ 2,365.51 \$ 2,393.31 \$ 3,949.16
Benjamin C. Block (2001 law graduate)	\$ 202.18 \$ 206.32 \$ 208.95	5.8 9.7 13.5	\$ 1,172.64 \$ 2,001.30 \$ 2,820.83
Alexis M. Ivory (2005 law graduate)	\$ 206.32 \$ 208.95	12.2 0.5	\$ 2,517.10 \$ 104.48

D.C.-VA-MD-WV area for inflation between March 1996 and March 2020 and the annual CPI-U for the years 2017, 2018, and 2019. See Exhibit B; *Mannino v. West*, 12 Vet. App. 242 (1999); See also *Apodackis v. Nicholson*, 19 Vet.App. 91, 95 (2005). Related to the work of Kathryn Cahoy, the \$125 attorney fee rate, adjusted for inflation for the Sioux Falls, South Dakota area, was \$189.36 in 2017, \$192.47 in 2018, and \$195.30 in 2019, the years over which the litigation took place in this case and for which CPI-U data are available. See Bureau of Labor Statistics Data, Midwest CPI-U and Midwest B/C CPI-U (Exhibit C). This rate was calculated by using the CPI-U for the Midwest adjusted for inflation between March 1996 and December 1996 and the Midwest B/C area adjusted for inflation between December 1996 and March 2020 and the annual CPI-U for the years 2017, 2018, and 2019. See *Apodackis*, 19 Vet.App. at 95.

The market rates for Petitioners' attorneys exceeded the requested rates per hour during the relevant time period. See *Covington v. District of Columbia*, 839 F. Supp. 894, 904–05 (D.D.C. 1993), *aff'd*, 58 F.3d 1101 (D.C. Cir. 1995). The prevailing market rate for the work done by paralegals and law clerks was at least \$164.00 from June 1, 2017, to May 31, 2018, at least \$166.00 from June 1, 2018, to May 31, 2019, and at least \$173.00 from June 1, 2019 to the present. See USAO Attorney's Fees Matrix, 2015-2019 (Exhibit D) ("The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc.*, 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore . . . area."); see also *Sandoval v. Brown*, 9 Vet. App. 177, 181 (1996); *Richlin Sec. Serv. Co. v. Chertoff*, 553 U.S. 571 (2008).

Ranganath Sudarshan (2006 law graduate)	\$ 202.18 \$ 206.32 \$ 208.95	7.6 3.0 3.5	\$ 1,536.57 \$ 618.96 \$ 731.33
John D. Niles (2008 law graduate)	\$ 202.18 \$ 206.32 \$ 208.95	133.9 217.2 106.2	\$27,071.90 \$44,812.70 \$22,190.49
Isaac C. Belfer (2011 law graduate)	\$ 202.18 \$ 206.32 \$ 208.95	75.4 1.3 6.9	\$15,244.37 \$ 268.22 \$ 1,441.76
Kathryn E. Cahoy (2012 law graduate)	\$ 189.36 \$ 192.47 \$ 195.30	48.9 9.5 81.5	\$ 9,259.70 \$ 1,828.47 \$15,916.95
Christopher G. Higby (2014 law graduate)	\$ 202.18 \$ 206.32	12.5 2.9	\$ 2,527.25 \$ 598.33
Jeffrey L. Huberman (2016 law graduate)	\$ 208.95	25.5	\$ 5,328.23
Paul Schwen (2016 law graduate)	\$ 202.18 \$ 206.32 \$ 208.95	66.4 32.1 37.2	\$13,424.75 \$ 6,622.87 \$ 7,772.94
L. Michael Marquet (2017 law graduate)	\$ 208.95	26.4	\$ 5,516.28
Jackson D. Wheeler (paralegal)	\$ 164.00	9.9	\$ 1,623.60
Mareda G. Smith (paralegal)	\$ 173.00	0.2	\$ 34.60
Samuel Howe (law clerk)	\$ 164.00	5.9	\$ 967.60
Chris Childers (law clerk)	\$ 173.00	4.0	\$ 692.00
			SUBTOTAL: \$ 203,354.18

The reasonable expenses for which Petitioners seek compensation are:

<u>Nature of Expense</u>	<u>Expense Amount</u>
Federal Express and USPS Charges	\$ 125.89
Duplication Charges	\$ 250.00
Travel Expenses	\$ 834.91
SUBTOTAL:	\$ 1,210.80
TOTAL:	\$ 204,564.98

WHEREFORE, Petitioners respectfully request that the Court award attorneys' fees and expenses in the total amount of **\$ 204,564.98**.

Respectfully submitted,

Barton F. Stichman
John D. Niles
NATIONAL VETERANS LEGAL SERVICES
PROGRAM
1600 K Street N.W., Suite 500
Washington, D.C. 20006-2833
(202) 621-5780

/s/ John D. Niles
Ranganath Sudarshan
Benjamin C. Block
Kathryn Cahoy
Isaac Belfer
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street N.W.
Washington, D.C. 20001-4956
(202) 662-6000

Counsel for Petitioners

EXHIBIT A

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 7/12/2017 2.5 Staff: John D. Niles
Outline and begin to draft action plan memorandum for class or other aggregate petition to the U.S. Court of Appeals for Veterans Claims (CAVC) for relief from unreasonable Department of Veterans Affairs (VA) delay in certifying substantive appeals to the Board of Veterans' Appeals (BVA) (1.5); Teleconference with I. Belfer regarding litigation goals, scope, and strategy (1.0).

Date: 7/12/2017 0.0 Staff: Isaac C. Belfer
Teleconference with J. Niles regarding goals, scope, and strategy for class or other aggregate action petition to CAVC for relief from unreasonable VA delay in certifying substantive appeals to BVA (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 7/13/2017 5.4 Staff: John D. Niles
Continue to draft action plan memorandum for class petition to CAVC for relief from unreasonable VA delay in certifying substantive appeals to BVA, facts regarding the VA claims development and adjudication process, substantive appeals, and certification (1.2); Draft section of action plan memorandum regarding history of veterans' class actions through *Monk v. Shulkin* (Fed. Cir. 2017) (1.8); Draft section of action plan memorandum, proposed strategy for CAVC class action petitioning for relief from unreasonable VA delay in certifying substantive appeals to BVA (2.4).

Date: 7/14/2017 2.0 Staff: John D. Niles
Draft exhibit to action plan memorandum, project waterfall and initial assignments for efficient development of class petition (1.1); Teleconference with K. Cahoy regarding strategy for class petition (0.9).

Date: 7/14/2017 0.0 Staff: Kathryn E. Cahoy
Teleconference with J. Niles regarding strategy for class petition (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 7/17/2017 4.0 Staff: Isaac C. Belfer

Legal research regarding remedy in All Writs Act (AWA) petition for relief from agency delay, ordering agency to take corrective action within a time certain (2.0); Legal research regarding what time-certain is a reasonable remedy against agency delay (2.0).

Date: 7/17/2017 3.5 Staff: John D. Niles

Analyze *Harrison v. Derwinski* and *Lefkowitz v. Derwinski* concerns regarding CAVC class actions, including research into what proposed class action rules were at issue in *Harrison* and *Lefkowitz* (2.0); Preparation for (0.6) and teleconference with K. Cahoy regarding strategy for class petition, contributing knowledge of CAVC procedure and history considering class actions (0.9) **[additional 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 7/17/2017 0.9 Staff: Kathryn E. Cahoy

Conference with J. Niles regarding strategy for class petition, contributing in-depth experience with class actions in Article III courts (0.9) **[additional 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 7/18/2017 3.6 Staff: John D. Niles

Research Federal Rule of Civil Procedure (FRCP) 23(a) requirements and analyze portability for CAVC class actions (1.1); Research FRCP 23(b) and analyze portability for CAVC class actions (1.4); Prepare for (0.4) and teleconference with (0.7) I. Belfer and K. Cahoy regarding research and strategy for class petition, contributing knowledge of CAVC and veterans' law issues and overall vision for the litigation **[additional 0.3 hours eliminated in the exercise of billing judgment]**; Teleconference with M. Cox regarding Northrop Grumman assistance in preparing class petition (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 7/18/2017 1.1 Staff: Isaac C. Belfer

Prepare for (0.4) and teleconference with J. Niles and K. Cahoy regarding (0.7) strategy for class petition, contributing knowledge from research into AWA remedy for relief from agency delay **[additional 0.3 hours eliminated in the exercise of billing judgment]**.

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Date: 7/18/2017 0.7 Staff: Kathryn E. Cahoy
Teleconference with J. Niles and I. Belfer regarding strategy for class petition, contributing knowledge of class-wide remedies in Article III courts (0.7) **[additional 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 7/20/2017 0.4 Staff: John D. Niles
Analyze class action research and analysis, and prepare supplemental team research and analysis assignments (0.4).

Date: 7/21/2017 3.8 Staff: John D. Niles
Update research and analysis of pending CAVC cases seeking class or aggregate relief (1.5); Continue to identify issues to raise in class petition (0.5) **[additional 0.5 hours eliminated in the exercise of billing judgment]**; Teleconference with P. Schwen, K. Cahoy, and I. Belfer regarding class-related factual issues to raise in class petition, including numerosity and status of individual claims, contributing vision for the litigation and need for facts in support of class petition (1.0) **[additional 0.5 hours eliminated in the exercise of billing judgment]**; Teleconference with K. Cahoy refining litigation strategy through collaborative discussion, with each attorney contributing unique perspective from respective experience and research (0.8).

Date: 7/21/2017 1.8 Staff: Kathryn E. Cahoy
Teleconference with P. Schwen, J. Niles, and I. Belfer regarding class-related factual issues, contributing knowledge of need for facts in support of Article III class actions (1.0) **[additional 0.5 hours eliminated in the exercise of billing judgment]**; Teleconference with J. Niles refining litigation strategy through collaborative discussion, with each attorney contributing unique perspective from respective experience and research (0.8).

Date: 7/21/2017 0.0 Staff: Isaac C. Belfer
Teleconference with P. Schwen, J. Niles, and K. Cahoy regarding class-related factual issues (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**.

Date: 7/21/2017 1.5 Staff: Paul Schwen
Teleconference with I. Belfer, K. Cahoy, and J. Niles regarding class-related factual issues, including numerosity and status of individual claims, contributing knowledge of facts available and ascertainable (1.5).

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Date: 7/24/2017 1.2 Staff: John D. Niles
Email exchange with I. Belfer and K. Cahoy regarding recommendations for next steps in preparing class petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**; Draft memorandum to supervising attorneys regarding specific recommendations for class petition's strategy and preparation, and authority to proceed with same (0.3) **[additional 1.0 hours eliminated in the exercise of billing judgment]**; Prepare supplemental team assignments, including follow-up with individual claimants experiencing unreasonable delay in appeals' certification to BVA (0.5); Legal research in support of class petition (0.4).

Date: 7/24/2017 0.3 Staff: Benjamin C. Block
Review and analyze memorandum and legal advice to lead attorney regarding recommendations for class petition (0.3).

Date: 7/24/2017 2.6 Staff: Isaac C. Belfer
Legal research in support of class petition (2.6).

Date: 7/24/2017 0.0 Staff: Kathryn E. Cahoy
Email exchange with I. Belfer and J. Niles regarding strategy for class petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 7/25/2017 4.5 Staff: John D. Niles
Prepare for (1.3) and conference with (0.7) C. Higby and J. Wheeler regarding class petition preparation and research/analysis assignments; Continue legal research and analysis in support of class petition (2.5).

Date: 7/25/2017 0.0 Staff: Christopher G. Higby
Conference with J. Niles regarding Form 8 class petition and research assignments (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 7/25/2017 2.7 Staff: Isaac C. Belfer
Legal research regarding remedy in AWA petition for relief from unreasonable delay by, specifically, VA (2.7).

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Date: 7/25/2017 0.4 Staff: Jackson D. Wheeler
Conference with J. Niles regarding analysis assignments in support of class petition and upcoming deadlines, contributing knowledge of available systems to help efficiently manage large project with potential big data elements (0.4) **[additional 0.4 eliminated in the exercise of billing judgment]**.

Date: 7/25/2017 2.1 Staff: Kathryn E. Cahoy
Draft class allegations for class petition (2.1).

Date: 7/26/2017 5.8 Staff: Kathryn E. Cahoy
Continue drafting class allegations for class petition (3.0); Continue drafting class allegations for class petition (1.5); Teleconference with J. Niles and I. Belfer regarding strategy in class petition, issues to raise and how to structure, contributing knowledge from work product in initial draft and in-depth experience with Article III class action pleadings (1.0) **[additional 0.5 hours eliminated in the exercise of billing judgment]**; Draft agenda for call with NVLSP (0.3) **[additional 1.7 hours eliminated in the exercise of billing judgment]**.

Date: 7/26/2017 5.5 Staff: John D. Niles
Conference with P. Schwen regarding issues to raise in class petition, including availability of information concerning VA delays in certifying appeals to BVA after veterans timely have filed substantive appeals (1.5); Perform research regarding legal issues to raise in class petition, jurisdictional statement (1.1); Draft jurisdictional statement for class petition (1.0); Teleconference with I. Belfer and K. Cahoy regarding strategy in class petition, issues to raise and how to structure (1.0) **[additional 0.5 hours eliminated in the exercise of billing judgment]**; Conference with J. Wheeler regarding status of paralegal projects in support of class petition and specific direction needed (0.7); Conference with B. Block regarding status of and strategy for class petition, contributing in-depth knowledge of research, facts, and status (0.2).

Date: 7/26/2017 0.0 Staff: Isaac C. Belfer
Teleconference with J. Niles and K. Cahoy regarding strategy in class petition, issues to raise and how to structure (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**.

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Date: 7/26/2017 0.5 Staff: Jackson D. Wheeler
Conference with J. Niles regarding paralegal projects in support of class petition (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**; Update internal file (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**; Review CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.5).

Date: 7/26/2017 0.2 Staff: Benjamin C. Block
Conference with J. Niles regarding class petition action plan, contributing senior litigation experience (0.2).

Date: 7/27/2017 0.0 Staff: Christopher G. Higby
Teleconference with NVLSP regarding issues to raise in class petition including Form 8 class petition matter (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.

Date: 7/27/2017 0.4 Staff: Jackson D. Wheeler
Teleconference with NVLSP regarding issues to raise in class petition (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**; Continue to review CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.4).

Date: 7/27/2017 5.5 Staff: John D. Niles
Preparation for teleconference with NVLSP regarding issues to raise in class petition and recommendations for prosecuting the litigation (1.0) **[additional 1.5 hours eliminated in the exercise of billing judgment]**; Teleconference with NVLSP regarding same, contributing knowledge from research and team discussions and overall vision for the litigation in collaborative discussion (1.2); Follow-up teleconference with B. Block regarding same (0.2); Draft memorandum memorializing decisions reached, new issues raised in teleconference, and updated action plan (1.1); Caselaw research regarding issues to raise in class petition, statutory bases for relief (2.0).

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Date: 7/27/2017 2.7 Staff: Kathryn E. Cahoy
Prepare for teleconference with NVLSP regarding class petition and litigation strategy (0.3); Teleconference with NVLSP regarding strategy for class petition, contributing Article III class action experience in collaborative discussion (1.2); Analyze, for potential class representatives, summary of claims in which VA has long delayed certification to BVA (1.2).

Date: 7/27/2017 1.4 Staff: Benjamin C. Block
Teleconference with NVLSP regarding class petition and litigation strategy, contributing senior litigation experience in collaborative discussion (1.2); Follow-up teleconference with J. Niles regarding same (0.2).

Date: 7/27/2017 1.2 Staff: Barton F. Stichman
Teleconference with Covington regarding class petition and litigation strategy, contributing senior CAVC and class action litigation experience and overall vision for the litigation in collaborative discussion (1.2).

Date: 7/27/2017 0.0 Staff: Paul Schwen
Teleconference with Covington regarding issues to raise in class petition (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment].**

Date: 7/28/2017 0.2 Staff: Benjamin C. Block
Correspondence regarding issues to raise in class petition (0.2).

Date: 7/28/2017 1.3 Staff: Isaac C. Belfer
Teleconferences with J. Niles and K. Cahoy regarding implementation of class petition strategy, contributing unique perspective from experience and issues researched in support of class petition (1.3).

Date: 7/28/2017 6.8 Staff: John D. Niles
Teleconferences with I. Belfer and K. Cahoy regarding implementation of class petition strategy, contributing unique perspective from experience and issues researched (1.4); Research regarding ability following *Harrison v. Derwinski* (en banc) and *Lefkowitz v. Derwinski* (en banc) for a single-judge or three-judge CAVC panel to entertain a class petition or similar proceedings (2.3); outline memorandum regarding same (1.0); Draft memorandum regarding same (2.1).

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Date: 7/28/2017 1.4 Staff: Kathryn E. Cahoy

Coordinate conflicts check for potential class representatives (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**; Teleconferences with I. Belfer and J. Niles regarding implementation of class petition strategy, contributing unique perspective from experience and issues researched (1.4).

Date: 7/31/2017 1.0 Staff: Jackson D. Wheeler

Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition, and identify additional such petitions (1.0).

Date: 7/31/2017 7.0 Staff: John D. Niles

Supplement research regarding ability following *Harrison v. Derwinski* (en banc) and *Lefkowitz v. Derwinski* (en banc) for a single-judge or three-judge CAVC panel to entertain a class petition or similar proceedings (2.0); Add inserts to memorandum regarding same (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**; Prepare updated assignments for preparing class petition and draft correspondence to team regarding same and status of petition (1.3); Teleconference with K. Cahoy regarding same (0.2); Conference with associate team regarding strategy for class petition, contributing recent analysis (0.7); Draft correspondence to client regarding case initiation (1.3); Caselaw research regarding legal standard governing petitions to CAVC for extraordinary relief (1.5).

Date: 7/31/2017 0.0 Staff: Christopher G. Higby

Teleconference regarding status of class petition (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 7/31/2017 0.0 Staff: Benjamin C. Block

Add inserts to engagement correspondence (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

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Date: 7/31/2017 0.0 Staff: Isaac C. Belfer
Teleconference regarding issues to raise in class petition, case strategy (0.0)
[entire 0.7 hours eliminated in the exercise of billing judgment].

Date: 7/31/2017 0.3 Staff: Kathryn E. Cahoy
Teleconference with associate team regarding strategy for class petition (0.0)
[entire 0.7 hours eliminated in the exercise of billing judgment];
Teleconference with J. Niles regarding strategy for contacting potential class
representatives (0.3); Teleconference with Northrop regarding potential class
representatives (0.0) **[entire 0.2 hours eliminated in the exercise of billing
judgment].**

Date: 8/1/2017 0.4 Staff: Kathryn E. Cahoy
Conference with team regarding class representatives, contributing experience
from Article III class actions (0.4).

Date: 8/1/2017 2.7 Staff: Christopher G. Higby
Caselaw research regarding analogous cases of unreasonable delay,
agencies other than VA (2.7).

Date: 8/1/2017 1.3 Staff: Isaac C. Belfer
Caselaw research regarding petitions for extraordinary relief (1.3).

Date: 8/1/2017 6.8 Staff: John D. Niles
Caselaw research regarding the amendment of petitions for extraordinary
relief (0.8); Teleconference regarding class representatives, contributing
knowledge of veterans' claims process (0.4); Correspondence regarding
issues to raise in class petition (0.4) **[additional 0.8 hours eliminated in the
exercise of billing judgment];** Analyze proposed Veteran Appeals
Improvement and Modernization Act (AMA) for relevance to contemplated
class action (3.0); continue to analyze proposed AMA for relevance to
contemplated class action (2.2).

Date: 8/2/2017 0.6 Staff: Kathryn E. Cahoy
Analyze list of ripe claims to identify additional potential class representatives
(0.6).

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Date: 8/2/2017 0.2 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.2).

Date: 8/2/2017 0.0 Staff: John D. Niles
Draft correspondence with team regarding class petition (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Date: 8/3/2017 0.0 Staff: John D. Niles
Continue to coordinate preparation of class petition (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 8/4/2017 1.5 Staff: Christopher G. Higby
Continue caselaw research regarding analogous delay cases and review similar briefs (1.5).

Date: 8/4/2017 0.0 Staff: Isaac C. Belfer
Correspondence regarding class petition (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 8/4/2017 0.6 Staff: John D. Niles
Update team assignments for preparing class petition and correspond with team regarding same (0.6).

Date: 8/7/2017 2.0 Staff: Isaac C. Belfer
Research and analysis regarding Williams and Connolly petitions seeking relief from unreasonable delay (1.2); Draft email correspondence summarizing Williams and Connolly petitions and discussion with counsel in those cases (0.8).

Date: 8/7/2017 0.5 Staff: John D. Niles
Analyze research and analysis regarding Williams and Connolly petitions seeking relief from unreasonable delay for pertinence to class petition here (0.5).

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- Date: 8/7/2017 1.2 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition and identify additional new such petitions (1.2).
- Date: 8/8/2017 0.0 Staff: Christopher G. Higby
Caselaw research related to analogous delay cases (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**.
- Date: 8/8/2017 3.3 Staff: Isaac C. Belfer
Supplement caselaw research regarding CAVC rulings related to delay, including legal standard applied and its history (3.0): Continue caselaw research (0.3).
- Date: 8/8/2017 0.0 Staff: John D. Niles
Analyze research regarding class petition (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.
- Date: 8/9/2017 0.1 Staff: Jackson D. Wheeler
Continue updated review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.1).
- Date: 8/10/2017 0.0 Staff: Isaac C. Belfer
Correspondence regarding status of class petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 8/10/2017 0.5 Staff: Jackson D. Wheeler
Continue updated review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.5).
- Date: 8/10/2017 0.0 Staff: John D. Niles
Correspondence regarding status of class petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

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Date: 8/10/2017 0.0 Staff: Kathryn E. Cahoy
Teleconference with Northrop Grumman regarding strategy for outreach to potential class representatives (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 8/11/2017 0.0 Staff: Christopher G. Higby
Caselaw research related to analogous delay cases (0.0) **[entire 1.8 hours eliminated in the exercise of billing judgment]**.

Date: 8/11/2017 0.1 Staff: Isaac C. Belfer
Correspondence regarding class petition (0.1).

Date: 8/11/2017 0.4 Staff: John D. Niles
Correspondence regarding class petition (0.4).

Date: 8/13/2017 0.9 Staff: Barton F. Stichman
Analyze King and Spalding / Williams and Connolly Federal Circuit briefs in appeals from Veterans Court decisions on delay-based AWA petitions (0.9).

Date: 8/13/2017 9.4 Staff: Isaac C. Belfer
Supplement caselaw research related to analogous delay cases, analyze decisions cited in King and Spalding / Williams and Connolly Federal Circuit briefs (3.0); Continue caselaw research (3.0); Continue caselaw research (3.0); Continue caselaw research (0.4).

Date: 8/14/2017 0.3 Staff: Barton F. Stichman
Email update to Covington team regarding strategic implications of developments in *Monk* and King and Spalding / Williams and Connolly cases.

Date: 8/14/2017 1.3 Staff: Isaac C. Belfer
Continue to supplement caselaw research related to analogous delay cases, analyze decisions cited in King and Spalding / Williams and Connolly Federal Circuit briefs (1.3).

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Date: 8/14/2017 0.4 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.4).

Date: 8/14/2017 0.8 Staff: John D. Niles
Analyze correspondence from NVLSP regarding strategic implications of developments in *Monk* and King and Spalding / Williams and Connolly cases (0.2); Analyze I. Belfer work-in-progress research and analysis (0.0) **[entire 2.8 hours eliminated in the exercise of billing judgment]**; Teleconference with K. Cahoy regarding strategy for class petition, contributing unique perspective from research, analysis, and experience (0.3); Correspond with NVLSP regarding strategic implications of developments in *Monk* and King and Spalding / Williams and Connolly cases (0.3).

Date: 8/14/2017 0.3 Staff: Kathryn E. Cahoy
Teleconference with J. Niles regarding strategy for class petition, contributing unique perspective from research, analysis, and experience (0.3);
Teleconference with team regarding Northrop volunteers (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 8/14/2017 0.3 Staff: Barton F. Stichman
Email correspondence to Covington team regarding *Monk*, King and Spalding cases (0.3).

Date: 8/18/2017 3.5 Staff: Isaac C. Belfer
Continue to supplement caselaw research regarding unreasonable delay (3.0);
Continue to supplement caselaw research (0.5).

Date: 8/18/2017 0.0 Staff: Jackson D. Wheeler
Update internal file (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**.

Date: 8/19/2017 5.5 Staff: Isaac C. Belfer
Caselaw research regarding unreasonable delay, Constitutional arguments (3.0); Continue caselaw research (2.5).

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Date: 8/20/2017 3.0 Staff: Isaac C. Belfer
Caselaw research regarding unreasonable delay (3.0).

Date: 8/21/2017 4.8 Staff: Isaac C. Belfer
Draft insert to class petition, unreasonable delay (3.0); Continue to draft insert (1.8).

Date: 8/21/2017 0.0 Staff: Jackson D. Wheeler
Update internal file (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 8/21/2017 0.0 Staff: John D. Niles
Correspond with NVLSP regarding status of class petition (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 8/21/2017 2.2 Staff: Kathryn E. Cahoy
Continue drafting class petition (2.2).

Date: 8/22/2017 0.3 Staff: Barton F. Stichman
Teleconference with K. Cahoy regarding status of class petition (0.3).

Date: 8/22/2017 0.0 Staff: Kathryn E. Cahoy
Teleconference with B. Stichman regarding status of class petition (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 8/22/2017 0.0 Staff: John D. Niles
Correspondence regarding status of class petition (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 8/23/2017 2.6 Staff: Isaac C. Belfer
Caselaw research regarding exhaustion (1.6); Conference regarding status of and strategy for class petition, contributing unique perspective from research, analysis, and experience in collaborative discussion (1.0).

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Date: 8/23/2017 4.1 Staff: John D. Niles
Review and analyze team's research and draft class petition (2.5); Prepare for (0.6) and conference with (1.0) team regarding status of and strategy for class petition, contributing unique perspective from research, analysis, and experience in collaborative discussion.

Date: 8/23/2017 3.0 Staff: Kathryn E. Cahoy
Continue drafting class petition (1.8); Prepare for (0.2) and conference with (1.0) team regarding status of and strategy for class petition, contributing unique perspective from research, analysis, and experience in collaborative discussion.

Date: 8/23/2017 0.0 Staff: Christopher G. Higby
Prepare for and conference with team regarding status of and strategy for class petition (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**.

Date: 8/24/2017 0.4 Staff: Isaac C. Belfer
Correspondence regarding VA appeal certification statistics (0.4).

Date: 8/24/2017 0.0 Staff: Jackson D. Wheeler
Update internal file (0.0) **[entire 0.1 hours eliminated in the exercise of billing discretion]**.

Date: 8/24/2017 2.2 Staff: John D. Niles
Analyze VA appeal certification statistics (1.9); correspond with I. Belfer regarding same (0.3).

Date: 8/24/2017 3.0 Staff: Kathryn E. Cahoy
Continue drafting class petition (3.0).

Date: 8/25/2017 0.0 Staff: Isaac C. Belfer
Conference regarding status of class petition and assignments (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

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Date: 8/25/2017 0.0 Staff: Jackson D. Wheeler
Conference regarding status of class petition and assignments (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 8/25/2017 4.7 Staff: John D. Niles
Conference regarding status of class petition and assignments (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**; Analyze now-final AMA (and legislative history) and relevance for current proceedings (3.0); continue analysis of AMA (1.7).

Date: 8/28/2017 0.1 Staff: Isaac C. Belfer
Correspondence regarding outreach to potential class representatives (0.1).

Date: 8/28/2017 0.1 Staff: Kathryn E. Cahoy
Correspondence with team regarding outreach to potential class representatives (0.1).

Date: 8/28/2017 0.0 Staff: Jackson D. Wheeler
Update internal file (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 8/28/2017 0.1 Staff: John D. Niles
Correspondence with team regarding outreach to potential class representatives (0.1).

Date: 8/29/2017 1.0 Staff: John D. Niles
Begin to analyze first draft, complete but for allegations specific to individual class representatives, of class petition (1.0).

Date: 8/29/2017 3.9 Staff: Kathryn E. Cahoy
Continue drafting first draft of class petition (3.0); Finalize first draft of class petition (0.9).

Date: 8/30/2017 0.4 Staff: Christopher G. Higby
Confer with Mr. Marshall and draft representation-initiating correspondence (0.4).

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Date: 8/30/2017 0.0 Staff: Isaac C. Belfer
Prepare for and teleconference with A. Chaturvedi (Northrop) (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 8/30/2017 4.2 Staff: John D. Niles
Add inserts to class petition (3.0); Continue to add inserts to class petition (1.2).

Date: 8/31/2017 4.0 Staff: Isaac C. Belfer
Add inserts to class petition (3.0); Continue to add inserts to class petition (1.0); Conference regarding petition for writ of mandamus with Northrop (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 8/31/2017 0.0 Staff: John D. Niles
Analyze revised draft class petition (0.0) **[entire 3.0 hours eliminated in the exercise of billing judgment]**.

Date: 8/31/2017 0.0 Staff: Kathryn E. Cahoy
Add inserts to draft class petition to incorporate comments from team (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**.

Date: 9/1/2017 1.4 Staff: Kathryn E. Cahoy
Supplement additions and edits to draft class petition (1.3); Teleconference with Ms. Whitfield regarding representation (0.1).

Date: 9/1/2017 2.7 Staff: Paul Schwen
Teleconference with potential class member (0.3); Draft email to K. Cahoy regarding contacting veteran (0.1); Teleconference with veteran regarding referral to pro bono attorneys (0.6); Prepare draft declaration in support of class petition (1.3). Phone call with veteran regarding class petition representation (0.4).

Date: 9/1/2017 0.5 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.5).

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Date: 9/1/2017 0.3 Staff: Isaac C. Belfer
Correspondence regarding contacting class members (0.3).

Date: 9/1/2017 2.2 Staff: John D. Niles
Analyze recent legal developments relevant to class petition (1.5) **[additional 0.5 hours eliminated in the exercise of billing judgment]**; Correspondence with J. Wheeler regarding recent litigation developments (0.3); Correspondence with K. Cahoy regarding claim development (0.4).

Date: 9/5/2017 1.4 Staff: Isaac C. Belfer
Add inserts to class petition (1.4).

Date: 9/6/2017 1.8 Staff: Isaac C. Belfer
Prepare for and teleconference with client regarding class petition, and draft correspondence with pro bono engagement letter (1.8).

Date: 9/7/2017 0.5 Staff: Christopher G. Higby
Draft correspondence to client with pro bono engagement letter (0.5).

Date: 9/7/2017 0.6 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.6).

Date: 9/7/2017 0.4 Staff: John D. Niles
Add inserts to class petition (0.0) **[entire 3.0 hours eliminated in the exercise of billing judgment]**; Prepare for and teleconference with K. Cahoy regarding strategy for class petition's supporting materials (0.2) **[additional 0.4 hours eliminated in the exercise of billing judgment]**; Correspondence with R. Sudarshan regarding case status and strategy (0.2) **[additional 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 9/7/2017 0.6 Staff: Kathryn E. Cahoy
Teleconference with J. Niles regarding strategy for class petition's supporting materials (0.2); Draft engagement letter (0.3); Teleconference with Ms. Whitfield regarding engagement letter (0.1).

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Date: 9/8/2017 0.0 Staff: Christopher G. Higby
Add inserts to class petition (0.0) **[entire 1.4 hours eliminated in the exercise of billing judgment]**.

Date: 9/8/2017 0.2 Staff: John D. Niles
Correspondence regarding class representative communications and follow-up for inserts to class petition (0.2).

Date: 9/11/2017 4.3 Staff: Paul Schwen
Teleconference with potential class member (0.3); Evaluate potential class representatives' cases (2.7); Evaluate additional potential class representatives' cases (0.4); Teleconference with veterans regarding class petition participation (0.3); Teleconference call with pro bono attorneys regarding client (0.5); Email exchange with I. Belfer regarding changes for client records (0.1).

Date: 9/12/2017 0.2 Staff: Isaac C. Belfer
Exchange emails with co-counsel regarding engagement letter (0.2).

Date: 9/12/2017 0.0 Staff: John D. Niles
Prepare for and conference with R. Sudarshan regarding case strategy and next steps **[entire 1.5 hours eliminated in the exercise of billing judgment]**.

Date: 9/12/2017 0.0 Staff: Kathryn E. Cahoy
Add inserts to draft class petition to incorporate additional comments from team (0.0) **[entire 1.4 hours eliminated in the exercise of billing judgment]**.

Date: 9/14/2017 0.5 Staff: Paul Schwen
Conference with B. Stichman regarding status of class petition (0.5).

Date: 9/15/2017 0.0 Staff: Isaac C. Belfer
Correspondence with mailroom regarding engagement letter (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 9/18/2017 0.7 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.7).

Date: 9/18/2017 0.0 Staff: Kathryn E. Cahoy
Add inserts to draft class petition to incorporate comments from team (0.0) **[entire 1.7 hours eliminated in the exercise of billing judgment]**.

Date: 9/19/2017 0.0 Staff: Isaac C. Belfer
Coordinated with assistant regarding mailing engagement letter; Added inserts to engagement letter and cover letter (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.

Date: 9/20/2017 0.0 Staff: Paul Schwen
Teleconference with B. Stichman regarding class petition (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 9/20/2017 0.1 Staff: Barton F. Stichman
Teleconference with P. Schwen regarding class petition (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**; Conference with K. Cahoy regarding class petition (0.1).

Date: 9/20/2017 0.0 Staff: Christopher G. Higby
Conference with Covington team to discuss strategy and add inserts to class petition implementing comments from team meeting **[entire 3.4 hours eliminated in the exercise of billing judgment]**.

Date: 9/20/2017 0.3 Staff: Isaac C. Belfer
Email correspondence with co-counsel regarding status of case (0.3); Prepare for and conference regarding class petition (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 9/20/2017 0.3 Staff: John D. Niles
Teleconference with team regarding class petition (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**; Teleconference with K. Cahoy regarding revisions to class petition (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**; Correspondence regarding same (0.3) **[additional 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 9/20/2017 0.9 Staff: Kathryn E. Cahoy
Teleconference with B. Stichman regarding class petition, teleconference with team regarding case strategy (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**; Teleconference with J. Niles regarding revisions to class petition (0.3); Added inserts to class petition (0.6).

Date: 9/21/2017 0.0 Staff: Paul Schwen
Email exchange with C. Higby regarding engagement letter and documents (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 9/22/2017 0.0 Staff: Paul Schwen
Email exchange with C. Higby regarding file transfer (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 9/25/2017 1.6 Staff: Christopher G. Higby
Analyze class representative's claims file materials and draft insert to class petition regarding class representative and claim (1.6).

Date: 9/25/2017 0.0 Staff: Isaac C. Belfer
Conference regarding case status with K. Cahoy (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 9/25/2017 3.0 Staff: Kathryn E. Cahoy
Add inserts to draft class petition to incorporate comments from team, including draft insert regarding class representative and claim (3.0) **[additional 1.8 hours eliminated in the exercise of billing judgment]**.

Date: 9/26/2017 0.4 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.4).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 9/26/2017 0.1 Staff: Kathryn E. Cahoy
Email correspondence with team regarding teleconference with Ms. Whitfield (0.1).

Date: 9/27/2017 4.2 Staff: Kathryn E. Cahoy
Analyze Ms. Whitfield's claims file materials and add inserts to draft class petition regarding Ms. Whitfield and her claims (4.2).

Date: 9/28/2017 1.8 Staff: Kathryn E. Cahoy
Correspondence with team regarding class petition (1.3); Teleconference with Ms. Whitfield regarding case strategy (0.2); Supplement analysis of claims file materials (0.3).

Date: 9/28/2017 0.5 Staff: Paul Schwen
Email exchange with K. Cahoy regarding file transfer (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**; Review draft petition from Covington (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**; Evaluate potential class representative's case, draft email to K. Cahoy regarding same (0.5); Begin reviewing draft petition from Covington (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 9/28/2017 0.0 Staff: Sonya D. Winner
Correspondence regarding draft petition with K. Cahoy (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 9/29/2017 0.3 Staff: Isaac C. Belfer
Email correspondence with team regarding engagement letters and calls with clients (0.3) **[additional 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 9/29/2017 0.7 Staff: Kathryn E. Cahoy
Legal research on challenges to arbitrary and capricious action (0.7).

Date: 9/29/2017 0.2 Staff: Paul Schwen
Email exchange with I. Belfer regarding class representatives' records (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/2/2017 0.5 Staff: Benjamin C. Block
Review S. Winner comments on draft class petition (0.5).

Date: 10/2/2017 0.0 Staff: Isaac C. Belfer
Email exchange with co-counsel regarding records (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/2/2017 0.0 Staff: Sonya D. Winner
Review draft class petition for extraordinary relief, focusing on review of class allegations, and email correspondence with K. Cahoy regarding comments, contributing extensive Article III class action experience including as Chair of Covington's Class Action Litigation Practice Group (0.0) **[entire 2.4 hours eliminated in the exercise of billing judgment]**.

Date: 10/3/2017 0.0 Staff: Isaac C. Belfer
Correspondence with co-counsel regarding status (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/3/2017 0.0 Staff: Paul Schwen
Teleconference with B. Stichman regarding Assignments for Covington (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**;
Review draft petition (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 10/4/2017 0.4 Staff: Barton F. Stichman
Draft email to Covington team with comments on draft petition (0.4).

Date: 10/4/2017 0.0 Staff: Benjamin C. Block
Email correspondence regarding teleconference with NVLSP (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/4/2017 0.0 Staff: Isaac C. Belfer
Email correspondence regarding class petition and with co-counsel regarding veterans' records (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/4/2017 0.0 Staff: Kathryn E. Cahoy
Correspondence with team regarding strategy for revisions to class petition (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/4/2017 0.0 Staff: Paul Schwen
Email exchange with B. Stichman regarding status of case (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/6/2017 1.1 Staff: Kathryn E. Cahoy
Teleconference with I. Belfer, C. Higby regarding legal research and strategy for class petition and supporting papers, contributing unique perspective from drafting class petition, research, analysis, and experience (0.6); Add inserts to draft class petition (0.5).

Date: 10/6/2017 0.3 Staff: Paul Schwen
Evaluate potential class representative's case and draft email regarding same to C. Higby (0.3); Email exchange with C. Higby regarding named client in petition and transfer of his records to Covington (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/6/2017 0.7 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.7).

Date: 10/6/2017 3.1 Staff: Isaac C. Belfer
Performed legal research in support of class petition (2.5); Conference with K. Cahoy regarding same (0.6).

Date: 10/6/2017 0.1 Staff: John D. Niles
Correspondence with K. Cahoy and J. Wheeler regarding status of case (0.1).

Date: 10/9/2017 0.0 Staff: Isaac C. Belfer
Conference regarding status with co-counsel; Email exchange with co-counsel regarding class representatives' records (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/10/2017 0.6 Staff: Kathryn E. Cahoy
Add inserts to class petition (0.3); Teleconference regarding petition strategy (0.3) **[additional 0.6 hours eliminated in the exercise of billing judgment]**.

Date: 10/10/2017 1.1 Staff: Paul Schwen
Conference with B. Stichman regarding status of class representatives' pending appeals and accounting for mooted requests for relief from certification delay, contributing factual knowledge (1.1); Teleconference with Covington regarding Form 8 Delay class petition (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**; Conference with R. Bobroff to discuss follow-up tasks discussed on conference call (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/10/2017 1.0 Staff: John D. Niles
Conference regarding status of case (0.3) **[additional 0.3 hours eliminated in the exercise of billing judgment]**; Correspondence regarding same (0.7).

Date: 10/10/2017 0.0 Staff: Christopher G. Higby
Teleconference with NVLSP regarding status of case (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/10/2017 1.3 Staff: Barton F. Stichman
Conference with K. Cahoy and other Covington attorneys regarding class petition and procedural issues (0.3) **[additional 0.3 hours eliminated in the exercise of billing judgment]**. Conference with P. Schwen regarding status of class representatives' pending appeals and accounting for mooted requests for relief from certification delay, contributing class and non-class litigation experience and overall vision for this litigation (1.0).

Date: 10/11/2017 0.3 Staff: Benjamin C. Block
Review updated draft class petition (0.3).

Date: 10/11/2017 0.0 Staff: Isaac C. Belfer
Conference regarding case with Northrop volunteer M. Kelly (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/11/2017 3.8 Staff: Paul Schwen
Add inserts to draft class petition (0.7); Teleconference with B. Stichman regarding analysis for declaration in support of class petition, contributing factual knowledge from analysis (0.4); Perform analysis and add inserts to declaration in support of class petition (1.7); Teleconference with Covington regarding drafting petition (1.0).

Date: 10/11/2017 0.4 Staff: Barton F. Stichman
Conference with P. Schwen regarding analysis for declaration in support of class petition (0.4).

Date: 10/12/2017 3.5 Staff: Isaac C. Belfer
Caselaw research regarding petitions for extraordinary relief in the class context (3.0); Continue legal research (0.5).

Date: 10/12/2017 2.7 Staff: Paul Schwen
Continue analysis for declaration in support of class petition (2.5); Email exchange with K. Cahoy regarding same (0.2).

Date: 10/13/2017 0.0 Staff: Christopher G. Higby
Analyze draft Declaration of P. Schwen in support of petition and email P. Schwen regarding same (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 10/13/2017 2.0 Staff: Paul Schwen
Continue analysis for declaration in support of class petition (1.5); Draft declaration in support of class petition (0.5) **[additional 0.2 hours eliminated in the exercise of billing judgment]**; Email exchange with C. Higby regarding same (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/13/2017 4.5 Staff: Isaac C. Belfer
Caselaw research regarding petitions for extraordinary relief in the class context (3.0); Continue legal research (0.6); Teleconference with class representative regarding service and medical history (0.9).

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 10/13/2017 0.4 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.4).
- Date: 10/14/2017 0.4 Staff: Isaac C. Belfer
Legal research in support of class petition (0.4).
- Date: 10/16/2017 0.3 Staff: Christopher G. Higby
Teleconference with P. Schwen regarding supplemental analysis for declaration in support of class petition (0.2); Teleconference with K. Cahoy regarding P. Schwen declaration (0.1).
- Date: 10/16/2017 0.1 Staff: Kathryn E. Cahoy
Teleconference with C. Higby regarding strategy for supporting declaration (0.1) **[additional 0.1 hours eliminated in the exercise of billing judgment]**.
- Date: 10/16/2017 3.0 Staff: Paul Schwen
Supplement analysis for declaration in support of class petition (1.0); Draft inserts to declaration in support of class petition (1.5); Prepare for (0.3) and teleconference with C. Higby regarding draft declaration (0.2).
- Date: 10/17/2017 0.0 Staff: Isaac C. Belfer
Performed legal research in support of class petition (0.0) **[entire 3.8 hours eliminated in the exercise of billing judgment]**.
- Date: 10/17/2017 0.0 Staff: Paul Schwen
Verify analysis for declaration in support of class petition (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.
- Date: 10/18/2017 0.0 Staff: Barton F. Stichman
Review of and add inserts to Covington draft of petition (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.
- Date: 10/19/2017 0.0 Staff: Kathryn E. Cahoy
Add inserts to class petition to incorporate comments from team (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/19/2017 7.1 Staff: Paul Schwen
Continue drafting declaration, email exchange regarding review (1.5); Review email from K. Cahoy regarding Docket Order examples (0.2); Review BVA decisions where Form 9 was filed after August 18, 2014, and add to declaration (3.0); Continue to evaluate potential class representatives' case (2.4).

Date: 10/20/2017 0.7 Staff: John D. Niles
Correspondence regarding analysis of new class representative Henke's service and claim circumstances (0.7).

Date: 10/20/2017 0.0 Staff: Benjamin C. Block
Review draft petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/20/2017 0.0 Staff: Kathryn E. Cahoy
Add inserts to draft class petition and communicate with team regarding strategy for same (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/20/2017 0.7 Staff: Paul Schwen
Review email from J. Niles regarding client update, reply to same (0.1); Review email from I. Belfer regarding declaration (0.1); Update analysis of class representatives' cases to ensure no appeal has now been certified, draft email regarding same to J. Niles with attachments (0.5) **[additional 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 10/20/2017 0.0 Staff: Christopher G. Higby
Analyze revised P. Schwen declaration in support of petition (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 10/20/2017 0.7 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.7).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/20/2017 0.4 Staff: Isaac C. Belfer
Conference regarding class petition and P. Schwen declaration with K. Cahoy (0.4); Email correspondence regarding same (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/23/2017 0.9 Staff: Isaac C. Belfer
Reviewed Godsey records (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**; Draft insert to class petition regarding same (0.4); Analyze paragraphs of P. Schwen declaration regarding Godsey (0.3); Teleconference with NVLSP and email exchange regarding same (0.2).

Date: 10/23/2017 0.0 Staff: John D. Niles
Coordinate with K. Cahoy regarding draft petition (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/23/2017 3.2 Staff: Paul Schwen
Analyze class representative Godsey's claims file and draft insert for declaration regarding same (3.0); Review email from I. Belfer regarding meeting (0.1); Review email from J. Niles regarding client's files (0.1).

Date: 10/24/2017 0.0 Staff: Barton F. Stichman
Conference with P. Schwen regarding research related to declaration (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2017 0.0 Staff: Christopher G. Higby
Continue to analyze statements in draft Schwen Declaration (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2017 0.3 Staff: Isaac C. Belfer
Add inserts to class petition (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**; Teleconference with Covington team regarding class petition, including pre-call with K. Cahoy (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**; Teleconference with P. Schwen regarding declaration in support of class petition (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**; Email correspondence regarding same (0.3) **[additional 0.5 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/24/2017 0.0 Staff: John D. Niles
Teleconference regarding class petition (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2017 0.0 Staff: Kathryn E. Cahoy
Teleconference regarding class petition, including pre-call with I. Belfer, and revise draft class petition (0.0) **[entire 2.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2017 3.0 Staff: Paul Schwen
Conference with B. Stichman regarding analysis related to declaration in support of class petition (0.7); Evaluate claims files of additional potential class representatives (2.3); Email exchange regarding declaration related to delay in certifying VA appeal (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**; Teleconference with I. Belfer regarding Mandamus Petition and Declaration (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/25/2017 0.7 Staff: Barton F. Stichman
Conference with P. Schwen regarding his affidavit (0.1). Draft email to Covington regarding legal development relevant to class petition, scope of review (0.6).

Date: 10/25/2017 0.0 Staff: Paul Schwen
Continue to evaluate potential class representatives' cases (0.0) **[entire 2.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/25/2017 0.0 Staff: Kathryn E. Cahoy
Analyze draft declaration in support of class petition (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/25/2017 0.0 Staff: Christopher G. Higby
Analyze draft Schwen Declaration in support of class petition (0.0) **[entire 1.8 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/25/2017 2.5 Staff: John D. Niles
Review and revise ancillary materials for filing with class petition; coordinate continued preparation of petition and related materials (2.5).

Date: 10/26/2017 0.5 Staff: Benjamin C. Block
Review order in *Monk* regarding CAVC class actions (0.5);
Teleconference regarding Mandamus petition (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/26/2017 1.3 Staff: Christopher G. Higby
Prepare exhibits for Schwen declaration in support of class petition (1.3).

Date: 10/26/2017 0.0 Staff: Isaac C. Belfer
Teleconference regarding class petition, and emails regarding case status (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/26/2017 0.6 Staff: Jackson D. Wheeler
Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.6).

Date: 10/26/2017 6.0 Staff: John D. Niles
Review and revise materials for filing with class petition (1.0); Analyze *Monk* and *Rosinski* cases' status and the Secretary's arguments in those cases for relevance to the class petition (3.0) **[additional 0.4 hours eliminated in the exercise of billing judgment]**; Analyze *Monk* briefing orders (1.0) for relevance to the class petition; Prepare for and teleconference regarding class petition (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**; Email B. Stichman regarding *Monk* briefing orders, relevance to the class petition, and participating in *Monk* as amicus curiae for reasons including to protect the class's interests in this litigation (1.0); Analyze requirements for VBMS access (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/26/2017 1.0 Staff: Kathryn E. Cahoy
Call with team regarding strategy for class petition (1.0); Continue analyze draft declaration in support of class petition and accompanying exhibits (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/26/2017 3.4 Staff: Paul Schwen
Review email from J. Niles regarding *Monk* and attachments (0.5); Compile evidence underlying declaration's analysis for use as exhibits (2.9).

Date: 10/27/2017 0.0 Staff: Kathryn E. Cahoy
Propose edits to supporting declaration to increase clarity (0.0) [**entire 0.3 hours eliminated in the exercise of billing judgment**].

Date: 10/27/2017 3.0 Staff: John D. Niles
Analyze draft filing materials and outline VA's likely arguments and best responses, recommending revisions based on same (2.0); Correspondence to coordinate team activity to supplement analysis and edit class petition to respond to likely VA concerns (0.0) [**entire 1.0 hours eliminated in the exercise of billing judgment**]; Correspondence with A. Ivory regarding declaration in support of class petition (1.0).

Date: 10/27/2017 0.2 Staff: Isaac C. Belfer
Propose edits to Schwen supporting declaration to increase clarity (0.0) [**entire 0.9 hours eliminated in the exercise of billing judgment**]; Conference regarding status of class petition with Mr. Godsey (0.2).

Date: 10/27/2017 0.0 Staff: Christopher G. Higby
Review revised Schwen declaration (0.0) [**entire 1.1 hours eliminated in the exercise of billing judgment**].

Date: 10/27/2017 0.9 Staff: Barton F. Stichman
Review A. Ivory Declaration (0.3). Review Orders issued by en banc court in *Monk* (0.6).

Date: 10/27/2017 3.7 Staff: Paul Schwen
Conference with B. Stichman regarding chart of BVA decisions for declaration, draft email regarding same (0.3); Review client documents in VBMS to determine progress and status of appeals, and email C. Higby regarding same (2.3) [**additional 4.0 hours eliminated in the exercise of billing judgment**]; Review email from J. Niles regarding A. Ivory declaration (0.0) [**entire 0.1 hours eliminated in the exercise of billing judgment**]; Email exchange with C. Higby regarding edits to my declaration and the exhibits for same (0.3);

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Email exchange with B. Stichman regarding orders issued in *Monk* (0.1); Email exchange with I. Belfer regarding Mail Return Receipt for demand letter (0.2); Conference with A. Ivory regarding her declaration in support of class petition (0.5).

Date: 10/30/2017 0.7 Staff: Christopher G. Higby
Conference with I. Belfer regarding Schwen declaration (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**; Propose inserts to Schwen declaration and email correspondence (0.2) **[additional 0.2 hours eliminated in the exercise of billing judgment]**; Correspondence with J. Wheeler regarding additional exhibits in support of class petition (0.3); Review correspondence from client (0.2).

Date: 10/30/2017 0.0 Staff: Isaac C. Belfer
Teleconference with Covington team regarding class petition (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/30/2017 1.5 Staff: John D. Niles
Review draft petition materials and add inserts to same, conference with B. Stichman regarding matter status, and coordinate next steps for finalizing petition materials (0.0) **[entire 3.2 hours eliminated in the exercise of billing judgment]**; Detailed teleconference with client regarding the facts of veteran's service, claim circumstances, and expectations for putative class action including typical CAVC petition procedure and uncertainties and risks given the unique nature of the case (1.5).

Date: 10/30/2017 0.0 Staff: Kathryn E. Cahoy
Conference with team regarding petition strategy, revise draft class petition and conduct research in support of same, and continue to revise class petition (0.0) **[entire 5.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/31/2017 0.0 Staff: Benjamin C. Block
Add inserts to draft petition (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/31/2017 1.0 Staff: Kathryn E. Cahoy
Correspondence with team regarding filing requirements for petition (1.0).

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Date: 10/31/2017 0.9 Staff: John D. Niles
Conference with I. Belfer regarding individual petition (client who does not wish to proceed as part of the class action), pertinence to strategy for class action (0.9).

Date: 10/31/2017 0.0 Staff: Christopher G. Higby
Email correspondence regarding class petition (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/31/2017 0.0 Staff: Jackson D. Wheeler
Researching admittance procedure for attorney; Reserving conference rooms (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 11/1/2017 0.3 Staff: Christopher G. Higby
Teleconference with Thomas James Marshall regarding case status and Certificate of Discharge (0.3).

Date: 11/1/2017 0.0 Staff: Jackson D. Wheeler
Organizing documents in anticipation of admissions process; Obtaining certificate of good standing; Delivering documents to CAVC (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Date: 11/1/2017 0.0 Staff: Kathryn E. Cahoy
Add inserts to draft class petition (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 11/2/2017 0.6 Staff: Jackson D. Wheeler
Conference regarding class petition tasks and strategy (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**; Update review of CAVC dockets in pending delay-based AWA petitions for developments relevant to class petition (0.6).

Date: 11/2/2017 0.0 Staff: Kathryn E. Cahoy
Correspondence with team regarding strategy for class petition, and participate in team call to discuss class petition strategy (0.0) **[entire 2.2 hours eliminated in the exercise of billing judgment]**.

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Date: 11/2/2017 0.0 Staff: John D. Niles
Review and revise draft class and individual petitions and ancillary documents (0.0), and conference regarding case status **[entire 3.0 hours eliminated in the exercise of billing judgment]**; Coordinate outreach to clients, NVLSP, and Northrop Grumman (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**; Correspondence regarding factual development (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Date: 11/2/2017 0.8 Staff: Isaac C. Belfer
Conference regarding case status (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**; Supplement legal research regarding class petition (0.8).

Date: 11/2/2017 0.0 Staff: Benjamin C. Block
Add inserts to draft mandamus petition, and conference regarding CAVC class petition (0.0) **[entire 1.7 hours eliminated in the exercise of billing judgment]**.

Date: 11/2/2017 0.0 Staff: Christopher G. Higby
Conference with Covington team regarding petition strategy (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**; Review CAVC rules and e-filing procedures (0.0) **[entire 1.7 hours eliminated in the exercise of billing judgment]**; Propose inserts to Schwen declaration (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**.

Date: 11/3/2017 1.6 Staff: Barton F. Stichman
Review of Covington revised class petition and draft of A. Ivory and P. Schwen declarations, and email to Covington regarding petition (1.6).

Date: 11/3/2017 0.2 Staff: Benjamin C. Block
Conference with I. Belfer regarding individual petition, in regard to possible implications for class action (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 11/3/2017 0.0 Staff: Christopher G. Higby
Prepare for and conference with P. Schwen regarding his declaration (0.0)
[entire 0.6 hours eliminated in the exercise of billing judgment].

Date: 11/3/2017 0.6 Staff: Isaac C. Belfer
Conference regarding case status with J. Niles; Email correspondence with
co-counsel regarding class petition (0.6).

Date: 11/3/2017 0.9 Staff: John D. Niles
Add inserts to draft class petition and ancillary materials; Correspondence with
team regarding same; Correspondence with Mr. Henke regarding matter
status and class petition; Conference with I. Belfer regarding case status (0.9).

Date: 11/3/2017 0.2 Staff: Kathryn E. Cahoy
Correspondence with class representative regarding matter status and class
petition (0.2).

Date: 11/3/2017 5.9 Staff: Paul Schwen
Email exchange with C. Higby regarding BVA cases for petition (0.1); Phone
conference with C. Higby to discuss additional BVA decisions for potential use
in declaration supporting class petition (0.3); Email exchange with B. Stichman
and J. Niles regarding draft class action petition and Stichman declaration
(0.2); Make additional edits to Schwen declaration (0.7); Review DRO hearing
transcript for client class representative, draft email summarizing hearing (0.8);
Draft email memorandum regarding client's statement in support of claim in
lieu of Form 9 for I. Belfer (0.3); Review client class representatives' files in
VBMS to look for changes in their appeals and additional documents (1.3);
Review NVLSP/Covington Co-counsel agreement (0.0) **[entire 0.3 hours
eliminated in the exercise of billing judgment]**; Review new draft of class
petition (0.4); Review email memorandum from J. Niles regarding class
petition and *Monk Amicus* (0.2); Review draft declaration for class petition
(0.5); Review appendix of attached documents referenced for petition, make
edits and add new documents (1.1).

Date: 11/5/2017 1.8 Staff: John D. Niles
Supplement research of AMA for provisions relevant to class petition; Add
related inserts to class petition, correspond with team regarding same (1.8).

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 11/6/2017 1.2 Staff: Paul Schwen
Review email from I. Belfer regarding client class representatives' documents and respond to same (0.7); Review C. Higby proposed edits for my declaration, apply edits, make additional edits, draft email regarding same (0.3); Teleconference with C. Higby to discuss edits (0.2).
- Date: 11/6/2017 1.5 Staff: Ranganath Sudarshan
Add inserts to declarations, petition, and other matters in preparation for filing class petition (1.5).
- Date: 11/6/2017 1.9 Staff: Isaac C. Belfer
Conference regarding J. Niles inserts to class petition (0.9); Conference regarding class and individual petitions with J. Niles; Reviewed petitions in other cases (1.0).
- Date: 11/6/2017 0.0 Staff: Christopher G. Higby
Conference with P. Schwen regarding declaration and revise declaration (0.0) **[entire 2.3 hours eliminated in the exercise of billing judgment]**.
- Date: 11/6/2017 1.5 Staff: John D. Niles
Add inserts to draft class and individual petitions; Correspondence with I. Belfer regarding same; Correspondence with C. Higby regarding exhibits to class petition (1.5) **[additional 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 11/7/2017 0.2 Staff: Benjamin C. Block
Review P. Schwen Declaration (0.2).
- Date: 11/7/2017 1.6 Staff: Christopher G. Higby
Based on materials received from B. Stichman, draft B. Stichman declaration in support of class petition (1.6).
- Date: 11/7/2017 1.0 Staff: Isaac C. Belfer
Conference regarding class petition with J. Niles (0.2); Reviewed filings in other cases (0.2); Conference regarding status of petition with J. Godsey (0.5); Conference regarding mailing Declaration of Financial Hardship (0.1).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 11/7/2017 2.0 Staff: John D. Niles
Add inserts to increase persuasive value of class petition (1.0) **[additional 2.0 hours eliminated in the exercise of billing judgment]**; Conference with Mr. Henke regarding draft class petition and filing fee (0.5); continue to coordinate filing logistics (0.5).

Date: 11/7/2017 0.0 Staff: Kathryn E. Cahoy
Teleconference with class representative regarding case status (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 11/7/2017 0.0 Staff: Paul Schwen
Review changes in draft petition, draft email with my suggestions, add inserts to declaration, and review B. Stichman declaration (0.0) **[entire 1.4 hours eliminated in the exercise of billing judgment]**.

Date: 11/7/2017 1.3 Staff: Ranganath Sudarshan
Correspondence regarding petition and filing logistics (1.3).

Date: 11/8/2017 0.2 Staff: Kathryn E. Cahoy
Teleconference regarding strategy for class petition and follow-up emails (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**;
Revise class petition (0.2).

Date: 11/8/2017 1.5 Staff: Paul Schwen
Phone conference to discuss next steps in class petition (0.6); Review updated draft of class petition (0.6); Email exchanges regarding additional representative petitioner engagement letters (0.3); Various administrative tasks in support of class petition **[entire 4.1 hours eliminated in the exercise of billing judgment]**.

Date: 11/8/2017 0.3 Staff: Isaac C. Belfer
Conference regarding class petition with J. Niles (0.3).

Date: 11/8/2017 0.5 Staff: Christopher G. Higby
Draft proposed inserts to declarations in support of petition (0.4);
Teleconference with NVLSP to discuss petition (0.0) **[entire 0.8 hours]**

Staff Hours for James A. Godsey et al. v. Wilkie

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eliminated in the exercise of billing judgment]; Conference with I. Belfer regarding petition (0.1).

Date: 11/8/2017 1.2 Staff: John D. Niles
Conference with NVLSP regarding draft class petition; follow up regarding same (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment];** Draft matter summary for Northrop's General Counsel (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment];** Correspondence regarding ancillary filing materials (1.2).

Date: 11/8/2017 0.0 Staff: Ranganath Sudarshan
Teleconference regarding class petition with NVLSP, and further work on petition and filing logistics (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment].**

Date: 11/9/2017 0.0 Staff: Barton F. Stichman
Review and add inserts to revised draft of class petition (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment].**

Date: 11/9/2017 0.0 Staff: John D. Niles
Edit class petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment].**

Date: 11/9/2017 0.0 Staff: Paul Schwen
Miscellaneous administrative tasks in support of class petition (0.0) **[entire 5.8 hours eliminated in the exercise of billing judgment].**

Date: 11/10/2017 0.0 Staff: Ranganath Sudarshan
Edit class petition; coordinate filing logistics (0.0) **[entire 2.3 hours eliminated in the exercise of billing judgment].**

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 11/13/2017 0.0 Staff: Ranganath Sudarshan
E-filing registration and training videos, and add inserts to class petition and supporting materials **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 11/13/2017 2.8 Staff: Paul Schwen
Review each class petitioner's claim status to ensure they remain appropriate to include in petition, including detailed investigation of class representative with many claims (2.0); Finalize Schwen declaration in support of class petition (0.4); Draft email to J. Niles regarding updates on class representatives' claim status (0.2); Phone call with J. Niles to discuss questions (0.2); miscellaneous administrative tasks in support of class petition (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**.

Date: 11/13/2017 0.0 Staff: John D. Niles
Add inserts to class petition, and continue to coordinate filing logistics for class and individual petition (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Date: 11/13/2017 0.4 Staff: Barton F. Stichman
Review and add inserts to Covington draft of Stichman declaration (0.4).

Date: 11/13/2017 0.0 Staff: Benjamin C. Block
Email correspondence regarding class petition status (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 11/14/2017 3.7 Staff: Paul Schwen
Review email from C. Higby regarding Stichman declaration, review Stichman declaration and attached exhibit (0.1); Review Covington NOAs (0.1); Review 232-page collection of attachments to Schwen declaration (2.7); Review latest changes in petition (0.3); Phone call with B. Stichman regarding case status (0.2); Email exchange with J. Niles regarding filing (0.2); Phone call with J. Niles regarding Stichman declaration (0.1).

Date: 11/14/2017 0.0 Staff: Ranganath Sudarshan
Review final materials for class petition (0.0) **[entire 2.5 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 11/14/2017 0.9 Staff: Barton F. Stichman
Conference with A. Nedd and P. Schwen regarding edits to Stichman
declaration (0.9).

Date: 11/14/2017 0.0 Staff: Christopher G. Higby
Review final materials for class petition (0.0) **[entire 1.9 hours eliminated in
the exercise of billing judgment]**.

Date: 11/14/2017 0.0 Staff: Isaac C. Belfer
Review final materials for class petition (0.0) **[entire 1.4 hours eliminated in
the exercise of billing judgment]**.

Date: 11/14/2017 0.0 Staff: John D. Niles
Review final materials for class petition (0.0) **[entire 3.7 hours eliminated in
the exercise of billing judgment]**.

Date: 11/15/2017 0.0 Staff: Barton F. Stichman
Review final class petition (0.0) **[entire 0.5 hours eliminated in the exercise
of billing judgment]**.

Date: 11/15/2017 1.4 Staff: John D. Niles
Draft email to CAVC clerk's office for filing class petition and Notices of
Appearance (0.2) **[additional 0.4 hours eliminated in the exercise of billing
judgment]**; Coordinate submission of filing fee (0.2); Analyze strategy for and
correspond with team regarding preparation for next steps post-filing (1.0).

Date: 11/15/2017 0.0 Staff: Paul Schwen
Various administrative tasks in support of class petition's filing (0.0) **[entire 1.2
hours eliminated in the exercise of billing judgment]**.

Date: 11/15/2017 3.0 Staff: Ranganath Sudarshan
Final review, inserts, and submission of petition for class petition to CAVC
(3.0).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 11/15/2017 0.0 Staff: Christopher G. Higby
Final review of entire, draft-final petition with exhibits (0.0) **[entire 2.3 hours eliminated in the exercise of billing judgment]**.

Date: 11/15/2017 0.0 Staff: Isaac C. Belfer
Final review of entire, draft-final petition with exhibits (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 11/16/2017 0.0 Staff: Isaac C. Belfer
Email correspondence regarding status of case (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 11/16/2017 0.3 Staff: Paul Schwen
Email exchange with J. Niles regarding next steps in proceedings (0.3).

Date: 11/20/2017 0.1 Staff: Paul Schwen
Review docket regarding filings in CAVC matter opened for class petition, 17-4361 (0.1) **[additional 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 11/22/2017 0.1 Staff: Benjamin C. Block
Correspondence regarding additional mandamus petitions (0.1).

Date: 11/30/2017 0.1 Staff: Isaac C. Belfer
Teleconference with client regarding case status; Email exchange with team regarding same (0.1).

Date: 12/1/2017 1.9 Staff: John D. Niles
Analyze Secretary's notice of motion to stay proceedings; Analyze strategic options; Correspondence with Covington and NVLSP team members regarding same (1.9).

Date: 12/1/2017 0.4 Staff: Barton F. Stichman
Correspondence regarding Secretary's motion to stay proceedings and strategy regarding same (0.4).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 12/4/2017 0.6 Staff: Barton F. Stichman
Conference with Covington team, R. Bobroff, and P. Schwen regarding strategy regarding stay (0.6).

Date: 12/4/2017 0.2 Staff: Benjamin C. Block
Email exchange regarding motion to stay (0.2).

Date: 12/4/2017 0.1 Staff: Isaac C. Belfer
Email exchange with J. Niles regarding motion to stay (0.1).

Date: 12/4/2017 9.7 Staff: John D. Niles
Conference with Covington and NVLSP team members regarding Secretary's notice of motion to stay proceedings (0.7); Research (3.0), outline (3.0), and draft (3.0) opposition to motion for indefinite stay of proceedings.

Date: 12/4/2017 0.7 Staff: Kathryn E. Cahoy
Communicate with team regarding case strategy in light of VA's motion to stay (0.7).

Date: 12/4/2017 1.0 Staff: Paul Schwen
Email exchange with co-counsel regarding status of clients and case in Godsey (0.3); Teleconference with co-counsel regarding drafting opposition to stay proceedings in case (0.7).

Date: 12/4/2017 1.0 Staff: Ranganath Sudarshan
Teleconference with team regarding Secretary's motion to stay (0.7); Email exchange with J. Niles regarding same (0.3).

Date: 12/5/2017 4.1 Staff: John D. Niles
Analyze Secretary's motion to stay proceedings indefinitely (0.5); Add inserts to draft opposition to motion (1.6); Correspondence with Covington and NVLSP team members regarding same (1.5); Finalize and file opposition to stay proceedings (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 12/5/2017 0.0 Staff: Paul Schwen
Review Opposition to Respondent's motion for stay of proceedings, email exchange with co-counsel regarding filing opposition to respondent's motion for stay of proceedings, and review Motion of Respondent that the proceedings are stayed (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**.

Date: 12/5/2017 0.2 Staff: Kathryn E. Cahoy
Research case law on subclasses (0.2).

Date: 12/5/2017 0.0 Staff: Benjamin C. Block
Email exchange regarding opposition to motion to stay proceedings indefinitely, and add inserts to opposition to motion to stay (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment]**.

Date: 12/5/2017 0.4 Staff: Barton F. Stichman
Review VA motion for stay and analyze Covington draft opposition (0.4).

Date: 12/5/2017 0.0 Staff: Ranganath Sudarshan
Draft inserts to opposition to motion to stay (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 12/5/2017 0.0 Staff: Isaac C. Belfer
Email correspondence regarding opposition to motion to stay (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 12/6/2017 0.2 Staff: Benjamin C. Block
Email exchange regarding awarding of benefits to petitioners (0.2).

Date: 12/6/2017 0.2 Staff: Christopher G. Higby
Conference with Mr. Marshall regarding recent VA actions (0.2).

Date: 12/6/2017 0.0 Staff: Isaac C. Belfer
Conference with J. Niles regarding status of class action (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 12/6/2017 5.1 Staff: John D. Niles

Analyze facts regarding and draft correspondence to Mr. Henke regarding claim status (1.5); Coordinate outreach to other representative petitioners regarding claim status, including to research CAVC counsel's relationship with agency-level representative and scope of putative class counsel's duty to render legal advice (2.0); Correspondence with P. Schwen regarding additional potential class representatives (0.6); Analyze strategy for upcoming events in Godsey and correspond with R. Sudarshan regarding same (1.0).

Date: 12/6/2017 0.2 Staff: Kathryn E. Cahoy

Correspondence with J. Niles regarding additional class representatives (0.2).

Date: 12/6/2017 1.4 Staff: Paul Schwen

Phone conference with J. Niles regarding VA's actions in connection with class representatives' claims (0.5); Review petitioner's records in VBMS to see what action has been taken by VA (0.9).

Date: 12/7/2017 0.5 Staff: Benjamin C. Block

Email exchange regarding petitioner Whitfield regarding invitation to new VA process (0.3); Email exchange with J. Niles regarding status of class petition (0.2).

Date: 12/7/2017 2.6 Staff: John D. Niles

Conference and correspondence regarding status of class proceedings and developments in VA processing of class representatives' claims (2.6).

Date: 12/7/2017 0.6 Staff: Kathryn E. Cahoy

Correspondence with team regarding strategy for Whitfield case (0.6).

Date: 12/7/2017 1.4 Staff: Paul Schwen

Email exchange with J. Niles regarding status of class representatives, including VA actions taken in their claims (0.7); Review client's information in VBMS, draft summary for J. Niles, give recommendations for next action (0.7).

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Date: 12/8/2017 0.0 Staff: Benjamin C. Block
Review Docket regarding panel assignment (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 12/8/2017 1.7 Staff: John D. Niles
Review order transferring case to a three-judge panel (0.1); Correspondence with team regarding same (0.2); Analyze and correspond with Mr. Henke regarding documents received from the VA (1.4).

Date: 12/8/2017 0.1 Staff: Paul Schwen
Review CAVC order that appeal is submitted to Panel for decision (0.1).

Date: 12/11/2017 0.2 Staff: Barton F. Stichman
Email correspondence with P. Schwen regarding conference with Godsey class member (0.2).

Date: 12/11/2017 0.9 Staff: Christopher G. Higby
Prepare redacted version of class petition (0.9).

Date: 12/11/2017 0.4 Staff: John D. Niles
Correspondence with Northrop Grumman volunteer regarding Mr. Henke's claim (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**; Correspondence with K. Cahoy regarding Ms. Whitfield's claim (0.4).

Date: 12/11/2017 0.4 Staff: Kathryn E. Cahoy
Correspondence with team regarding strategy for Whitfield case (0.4).

Date: 12/11/2017 1.4 Staff: Paul Schwen
Review email from R. Bobroff regarding client and RAMP letter (0.1); Review email from K. Cahoy regarding client's reception of RAMP letter (0.2); Review clients claims folder in VBMS to check whether her appeal has been certified (0.6); Draft email to K. Cahoy with recommendations for action based on review of claims file, send to B. Stichman for review (0.4); Review email from B. Stichman regarding recommendations (0.1).

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 12/11/2017 0.8 Staff: Ranganath Sudarshan
Correspondence regarding various class action issues (0.8).
- Date: 12/12/2017 0.2 Staff: Barton F. Stichman
Response to K. Cahoy regarding Ms. Whitfield's RAMP choice (0.2).
- Date: 12/12/2017 0.4 Staff: John D. Niles
Revise draft correspondence to Mr. Henke regarding claim (0.3);
Correspondence with team regarding same (0.1).
- Date: 12/12/2017 0.8 Staff: Paul Schwen
Meeting with B. Stichman regarding Godsey and CAVC's ability to fact find
(0.8).
- Date: 12/13/2017 0.3 Staff: John D. Niles
Correspondence with team regarding *Martin* reply brief (0.3).
- Date: 12/14/2017 0.5 Staff: Barton F. Stichman
Review *Ebanks* decision and Draft approval of supplemental
authority (0.5).
- Date: 12/14/2017 0.9 Staff: Paul Schwen
Review email from J. Niles regarding *Ebanks* decision and denial of stay
motion in *Rosinski II* and how it applies to Godsey (0.4); Review email
exchange between K. Cahoy and B. Stichman and attached Notice of Supp.
Auth. for Godsey (0.3); Email exchange regarding status of Whitfield case
status and RAMP letter (0.2).
- Date: 12/14/2017 0.7 Staff: Kathryn E. Cahoy
Draft letter regarding supplemental authority (0.7).
- Date: 12/14/2017 3.0 Staff: John D. Niles
Analyze Federal Circuit decision in *Ebanks*, CAVC decision on Secretary's
stay motion in *Rosinski*, Vet. App. No. 17-3293, and correspond with team
regarding same (3.0); Add inserts to draft supplemental authority letter (0.0)
[entire 1.0 hours eliminated in the exercise of billing judgment].

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 12/14/2017 0.8 Staff: Benjamin C. Block
Emails exchange J. Niles and R. Sudarshan regarding next steps in class petition (0.3); Review *Ebanks* decision (0.4); Email exchange regarding supplemental authority (0.1).
- Date: 12/15/2017 0.0 Staff: Benjamin C. Block
Email exchange regarding consolidation with *Godsey/Monk* (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 12/15/2017 0.0 Staff: John D. Niles
Analyze case strategy (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.
- Date: 12/19/2017 0.0 Staff: Jackson D. Wheeler
Update internal file (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**.
- Date: 12/19/2017 0.2 Staff: Paul Schwen
Review email exchange regarding petitioner in *Godsey* and attached VA letter (0.2).
- Date: 12/20/2017 0.2 Staff: Benjamin C. Block
Emails exchange regarding potential consolidation with pending Fed Cir. case (0.2).
- Date: 1/2/2018 0.1 Staff: John D. Niles
Review Docket regarding developments relevant to class petition (0.1).
- Date: 1/10/2018 0.1 Staff: John D. Niles
Review Docket regarding new development in putative class petition action before U.S. Court of Appeals for Veterans Claims (0.1).
- Date: 1/11/2018 0.0 Staff: John D. Niles
Review Docket regarding in pending putative CAVC class petition litigation for developments relevant to *Godsey* (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 1/24/2018 0.2 Staff: Benjamin C. Block
Teleconference regarding Rule 23 and argument regarding heightened showings for class claims (0.2).
- Date: 1/24/2018 0.0 Staff: Sonya D. Winner
Teleconference with B. Block regarding class petition issues (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 1/31/2018 0.0 Staff: Kevin F. King
Teleconference with B. Block regarding mandamus law as relevant to NVLSP class petition (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 2/9/2018 0.0 Staff: Benjamin C. Block
Email exchange regarding potential motion for class certification (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 2/9/2018 0.8 Staff: Isaac C. Belfer
Review docket regarding latest filings in class petition; Email correspondence with team regarding same (0.8).
- Date: 2/9/2018 5.3 Staff: John D. Niles
Analyze amicus filings in *Monk* for arguments relevant to petition (3.0);
Analyze other pending putative class actions' status and development (1.0);
Draft outline of strategy for next steps, including moving for class certification (1.3).
- Date: 2/11/2018 4.1 Staff: John D. Niles
Continue to analyze *Monk* filings for concessions and arguments pertinent to class action (3.0); Continue to draft outline of strategy for next steps in class action (1.1).
- Date: 2/12/2018 0.0 Staff: John D. Niles
Correspondence with NVLSP regarding moving to certify class in Godsey (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 2/12/2018 0.0 Staff: Paul Schwen
Review email from J. Niles regarding moving to certify class (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.
- Date: 2/13/2018 0.4 Staff: Barton F. Stichman
Review and add inserts to of Niles email and *Skaar* docket (0.4).
- Date: 2/13/2018 4.5 Staff: John D. Niles
Research (3.0), outline (1.0), and begin to draft (0.5) motion for class certification.
- Date: 2/14/2018 7.0 Staff: John D. Niles
Continue to draft motion for class certification (3.0); correspond with team regarding same (0.5); research supplemental issues regarding same (1.5); draft inserts to motion for class certification to address additional issues (2.0) **[additional 1.9 hours eliminated in the exercise of billing judgment]**.
- Date: 2/15/2018 1.0 Staff: John D. Niles
Add inserts to increase the persuasive value of draft motion for class certification (1.0) **[additional 0.6 hours eliminated in the exercise of billing judgment]**.
- Date: 2/16/2018 0.0 Staff: Christopher G. Higby
Review motion to certify (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 2/21/2018 1.2 Staff: John D. Niles
Caselaw research regarding *Monk* and *Skaar* filings for arguments relevant to *Godsey* (1.2).
- Date: 3/5/2018 9.0 Staff: John D. Niles
Prepare to and attend *Monk* oral argument (3.0); Correspondence with team regarding same, relevance to *Godsey* (2.9); Prepare for and conference with P. Schwen regarding same and status of class representatives' claims (0.6); Revise draft *Godsey* motion for class certification to reflect new developments (2.5) **[additional 2.1 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 3/5/2018 0.4 Staff: Paul Schwen
Teleconference with J. Niles regarding status of class representatives' claims and *Monk* oral argument (0.4).

Date: 3/6/2018 0.5 Staff: John D. Niles
Review CAVC's docket for new filings relevant to *Godsey* (0.5).

Date: 3/7/2018 1.4 Staff: John D. Niles
Analyze recent class proceedings before CAVC relevant to *Godsey* (1.4).

Date: 3/8/2018 2.0 Staff: Benjamin C. Block
Analyze J. Niles correspondence regarding and listen to oral argument in *Monk* for relevance to *Godsey* (2.0).

Date: 3/8/2018 0.0 Staff: John D. Niles
Conference with Mr. Rosinski regarding status of class petition (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 3/12/2018 0.0 Staff: Kathryn E. Cahoy
Revise motion for class certification (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 3/13/2018 0.0 Staff: Kathryn E. Cahoy
Revise motion for class certification (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**.

Date: 3/13/2018 1.1 Staff: John D. Niles
Add inserts to draft motion for class certification (1.1) **[additional 1.0 hours eliminated in the exercise of billing judgment]**; Correspondence with team regarding same (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 3/14/2018 0.0 Staff: Ranganath Sudarshan
Conference regarding motion for class certification (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 3/14/2018 0.0 Staff: John D. Niles
Revise draft motion for class certification; Correspondence with Covington and NVLSP teams regarding same (0.0) **[entire 3.0 hours eliminated in the exercise of billing judgment]**.

Date: 3/14/2018 0.3 Staff: Paul Schwen
Email from J. Niles regarding status of case and options moving forward (0.3).

Date: 3/15/2018 0.0 Staff: John D. Niles
Analyze submission of materials from, prepare to, and correspond with potential additional class representative; Initiate matter-opening procedures (0.0) **[entire 2.5 hours eliminated in the exercise of billing judgment]**.

Date: 3/16/2018 0.0 Staff: Benjamin C. Block
Add inserts to draft motion for class certification (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 3/18/2018 0.0 Staff: John D. Niles
Add inserts to draft motion for class certification (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 3/19/2018 0.0 Staff: John D. Niles
Add inserts to draft motion for class certification; Correspondence with NVLSP regarding same (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 3/19/2018 0.0 Staff: Paul Schwen
Review proposed Motion for Class Certification (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 3/21/2018 0.0 Staff: Barton F. Stichman
Review of Covington draft motion for class certification (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 3/22/2018 0.1 Staff: Barton F. Stichman
Review Court's denial of motion to stay, and order to file response (0.1).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 3/22/2018 0.7 Staff: John D. Niles
Analyze new CAVC class proceedings and decision in *Godsey*;
Correspondence with team regarding same (0.7).

Date: 3/29/2018 4.7 Staff: John D. Niles
Review new VA Inspector General report regarding timeliness of appeals for
relevance to *Godsey* (1.5); Continue to analyze new VA Inspector General
report regarding timeliness of appeals for relevance to *Godsey* (3.0); Continue
to analyze same (0.2).

Date: 3/30/2018 1.4 Staff: John D. Niles
Continue to analyze VBA's premature closing of appeal records as relevant to
Godsey (1.0); Analyze new VA developments for relevance to *Godsey* (0.4).

Date: 4/2/2018 10.2 Staff: John D. Niles
Review Motion of Respondent for Reconsideration of Full Court Review
(Reconsideration Motion) (0.5); Correspond with team regarding same (0.3);
Research which Vet. App. Rule governs motions for reconsideration of
interlocutory order (1.5); analyze Reconsideration Motion for compliance with
Rule 27 (0.2); Research non-moving party's ability to respond to Rule 27
motion purporting to be Rule 35 motion (1.2); Research legal standards
applicable to reconsideration and their application to procedural orders (2.0);
Outline written response in opposition to Reconsideration Motion (1.2); Begin
to draft Opposition (3.0); Continue to draft Opposition (0.3).

Date: 4/3/2018 0.5 Staff: Barton F. Stichman
Conference with J. Niles, B. Block regarding motion for reconsideration,
contributing senior experience with CAVC procedural issues including motions
for panel reconsideration or full Court review (0.5).

Date: 4/3/2018 5.0 Staff: John D. Niles
Continue to draft opposition to Reconsideration Motion (3.0); Continue to draft
opposition to Reconsideration Motion (1.5); Conference with B. Stichman and
B. Block regarding opposition to Reconsideration Motion, contributing unique
perspective from research and drafting the response (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 4/3/2018 0.0 Staff: Benjamin C. Block
Conference with B. Stichman and J. Niles regarding opposition to Reconsideration Motion (0.0) **[0.5 hours eliminated in the exercise of billing judgment]**.

Date: 4/3/2018 0.0 Staff: Paul Schwen
Review new documents in *Godsey* and *Monk* in preparation of upcoming conference call (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**; Conference call with co-counsel regarding Secretary's motion (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 4/5/2018 1.0 Staff: Barton F. Stichman
Review Secretary's motion for reconsideration and draft comments for J. Niles for response (1.0).

Date: 4/5/2018 0.0 Staff: Benjamin C. Block
Add inserts to motion to reconsider opposition (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 4/5/2018 1.3 Staff: John D. Niles
Supplement caselaw research regarding motions for reconsideration (0.8); Add inserts to draft opposition to motion for reconsideration (0.5).

Date: 4/5/2018 0.0 Staff: Paul Schwen
Review B. Stichman's memorandum on responding to Secretary's motion for reconsideration (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 4/6/2018 0.4 Staff: Barton F. Stichman
Review of Court's Order and conference with J. Niles regarding litigation strategy (0.4).

Date: 4/6/2018 0.2 Staff: Benjamin C. Block
Add inserts to motion to reconsider opposition (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**; Court decision on motion to reconsider; Email exchange with J. Niles (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 4/6/2018 0.5 Staff: John D. Niles

Add inserts to draft opposition to motion for reconsideration and correspond with NVLSP regarding same (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**; Analyze decision regarding same and teleconference with B. Stichman regarding same (0.5).

Date: 4/6/2018 0.0 Staff: Paul Schwen

Review CAVC order that Secretary's motion for reconsideration by the panel is denied (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 4/9/2018 0.0 Staff: John D. Niles

Analyze correspondence from B. Stichman and follow up regarding same (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 4/9/2018 0.0 Staff: Paul Schwen

Review briefs in *Rose v. Shulkin* (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.

Date: 5/1/2018 0.5 Staff: Isaac C. Belfer

Conference regarding case status with J. Niles (0.3); Reviewed VA correspondence with Godsey; Exchanged emails regarding same with J. Niles (0.2).

Date: 5/1/2018 5.9 Staff: John D. Niles

Analyze recent CAVC class petition developments (2.0); Listen to oral argument in *Martin* and *Rose* Federal Circuit appeals and draft memorandum to file regarding same (2.0); Research regarding non-mootness of class petitions (1.3); Analyze and confer with I. Belfer regarding Mr. Godsey's claim developments; Correspondence with K. Cahoy regarding status check for Ms. Whitfield (0.6).

Date: 5/2/2018 0.0 Staff: Paul Schwen

Listen to Oral Arguments in *Rose* and *Martin* (0.0) **[entire 1.6 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 5/3/2018 0.2 Staff: Benjamin C. Block
Review Secretary's page limit extension motion (0.2).

Date: 5/3/2018 1.5 Staff: John D. Niles
Begin to research relevant case law regarding non-mootness and correspond with team regarding areas for supplemental research for reply (1.5).

Date: 5/8/2018 0.1 Staff: John D. Niles
Correspondence to coordinate research regarding non-mootness (0.1).

Date: 5/11/2018 1.0 Staff: John D. Niles
Correspondence with team regarding representative petitioners' claim status (0.2); Continue to research non-mootness (0.8).

Date: 5/11/2018 0.4 Staff: Paul Schwen
Email exchange with J. Niles regarding client Whitfield's status; Review client's files in VBMS, draft email to J. Niles regarding same (0.4).

Date: 5/15/2018 0.1 Staff: John D. Niles
Analyze new decision in class petition of potential relevance to Godsey and *Monk* (0.1).

Date: 5/18/2018 0.2 Staff: Paul Schwen
Review CAVC order in *Godsey* regarding motion to stay (0.2).

Date: 5/21/2018 3.8 Staff: John D. Niles
Analyze new class petition decisions (2.5); Continue mootness research (1.3).

Date: 5/24/2018 0.7 Staff: Benjamin C. Block
Review *Solze* notices and correspondence regarding J. Niles assessment regarding same (0.2); Conference with S. Howe and J. Niles regarding research assignment (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 5/24/2018 2.8 Staff: John D. Niles
Review Respondent's *Solze* notice; Correspondence with team regarding same; Supplement research into mootness; Prepare to and confer with S. Howe and B. Block regarding supplemental mootness research (2.8).

Date: 5/24/2018 1.3 Staff: Paul Schwen
Draft email to J. Niles email regarding *Solze* notice in *Godsey* (0.8); Conference with B. Stichman and A. Ivory to discuss developments in *Godsey* (0.5).

Date: 5/24/2018 5.9 Staff: Samuel Howe
Caselaw research on mootness prongs in cases before CAVC (2.1); Draft outline of memorandum with regard to mootness exceptions including 1) capable of repetition yet evading review 2) exception for inherently transitory class petition claims 3) voluntary cessation (3.0); Conference with B. Block and J. Niles to discuss applicability of exceptions to mootness in *Godsey* (0.8).

Date: 5/25/2018 0.8 Staff: John D. Niles
Correspondence with S. Howe regarding supplemental mootness research (0.8).

Date: 5/25/2018 0.0 Staff: Samuel Howe
Research mootness exceptions (0.0); Continue outlining memorandum (0.0) **[entire 5.2 hours eliminated in the exercise of billing judgment]**.

Date: 5/29/2018 3.3 Staff: John D. Niles
Review Docket regarding order from *Rosinski II* for relevance regarding mootness (1.3); Conference with S. Howe regarding mootness research (0.7); Correspondence regarding same (1.3).

Date: 5/29/2018 0.0 Staff: Samuel Howe
Continue to draft memorandum regarding mootness issues; Conference with J. Niles regarding review of mootness exceptions (0.0) **[entire 6.2 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 5/30/2018 0.0 Staff: Samuel Howe
Review mootness memorandum; Add inserts addressing inherently transitory exception; Add inserts addressing counterarguments; Teleconference with J. Niles to review memorandum and edit Parts I-II of memorandum **[entire 6.6 hours eliminated in the exercise of billing judgment]**.

Date: 5/30/2018 0.0 Staff: John D. Niles
Prepare for and teleconference with S. Howe regarding research on non-mootness (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment]**.

Date: 5/31/2018 0.0 Staff: Samuel Howe
Add inserts to memorandum regarding mootness **[entire 5.0 hours eliminated in the exercise of billing judgment]**.

Date: 6/6/2018 3.4 Staff: John D. Niles
Caselaw research regarding recent case of possible relevance to class proceedings, including new filings before CAVC (3.0); Continue caselaw research (0.4).

Date: 6/7/2018 0.9 Staff: Barton F. Stichman
Review docket regarding Federal Circuit decision in *Martin* case (0.9).

Date: 6/7/2018 0.0 Staff: Benjamin C. Block
Review and add comments to S. Howe research (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**; Draft Supplemental Authorities letter regarding Federal Circuit decision (0.2).

Date: 6/7/2018 0.2 Staff: Christopher G. Higby
Review docket regarding filing of Supplemental Authorities (0.2).

Date: 6/7/2018 4.5 Staff: John D. Niles
Caselaw research (1.0); Caselaw research regarding Federal Circuits decision in *Martin* and draft Rule 30(b) supplemental authority letter regarding same (3.0); Analyze differences in legal standards for statutory versus constitutional delay claims (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 6/7/2018 1.4 Staff: Paul Schwen
Email exchange with J. Niles regarding *Martin* Decision, review *Martin* decision (0.9); Draft Rule 30(b) Letter regarding *Martin* (0.5).
- Date: 6/7/2018 0.0 Staff: Samuel Howe
Review *Martin v. O'Rourke* decision regarding challenges to VA appeals process (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.
- Date: 6/8/2018 0.0 Staff: Samuel Howe
Incorporate B. Block's comments on memorandum addressing exceptions to mootness (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 6/11/2018 5.2 Staff: John D. Niles
Caselaw research regarding mootness, supplemental issues raised by S. Howe's analysis (3.0); Continue research (0.7); Continue caselaw research regarding mootness (1.5).
- Date: 6/11/2018 0.4 Staff: Paul Schwen
Continue reading *Martin* decision and concurrence (0.4).
- Date: 6/11/2018 0.0 Staff: Samuel Howe
Conference with B. Block regarding mootness memorandum (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.
- Date: 6/12/2018 1.9 Staff: John D. Niles
Review research regarding non-mootness (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**; Supplement caselaw research regarding non-mootness in context of Godsey (1.5); Correspondence regarding outstanding request for schedules to VAOIG Report regarding timeliness of appeals (0.4).
- Date: 6/13/2018 0.7 Staff: John D. Niles
Correspondence regarding request for schedules to VAOIG Report (0.7).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/14/2018 2.3 Staff: John D. Niles
Continue to supplement research regarding non-mootness (2.3).

Date: 6/15/2018 2.0 Staff: John D. Niles
Analyze exhibits to VA OIG report and relevance to Godsey (1.8);
Correspondence with B. Block and R. Sudarshan regarding same (0.2).

Date: 6/18/2018 0.2 Staff: Benjamin C. Block
Review order denying motion for full Court review (0.2).

Date: 6/18/2018 0.4 Staff: John D. Niles
Analyze and correspond with team regarding denial of motion for full Court
review (0.2); Coordinate regarding review of coming opposition to Petition
(0.2).

Date: 6/18/2018 0.3 Staff: Paul Schwen
Review docket regarding CAVC Order denying Acting Secretary's motion for
full-Court review (0.3).

Date: 6/19/2018 2.6 Staff: John D. Niles
Continue caselaw research regarding mootness (2.6).

Date: 6/20/2018 0.3 Staff: Christopher G. Higby
Review Secretary's opposition for preparation of reply in support of class
petition (0.3).

Date: 6/20/2018 0.0 Staff: Jackson D. Wheeler
Updating internal file (0.0) **[entire 0.8 hours eliminated in the exercise of
billing judgment]**.

Date: 6/20/2018 0.5 Staff: Benjamin C. Block
Review Secretary's opposition to class petition (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/20/2018 9.0 Staff: John D. Niles
Continue caselaw research regarding mootness (3.0); Continue caselaw research (3.0); Continue caselaw research (2.0); Begin to analyze Acting Secretary's opposition to class petition for preparation of reply in support of class petition (1.0).

Date: 6/21/2018 0.5 Staff: Barton F. Stichman
Conference with P. Schwen regarding response to Court's March 22, 2018 order (0.5).

Date: 6/21/2018 11.4 Staff: John D. Niles
Continue to analyze Acting Secretary's response to class petition (3.0); Draft outline regarding strategy for reply (3.0); Continue developing reply strategy and drafting outline regarding same (3.0); Correspondence with team regarding same (2.4).

Date: 6/21/2018 1.8 Staff: Paul Schwen
Review docket regarding Secretary's response to Courts March 22, 2018 order (1.5); Email exchange with J. Niles regarding Secretary's response (0.3).

Date: 6/22/2018 0.4 Staff: Barton F. Stichman
Conference with J. Niles and P. Schwen regarding reply brief, contributing unique perspective from CAVC experience with replies not of right (0.4).

Date: 6/22/2018 1.3 Staff: Kathryn E. Cahoy
Teleconference regarding reply brief, contributing unique perspective from Article III class action experience and knowledge to include standards for evaluating commonality (1.3).

Date: 6/22/2018 2.0 Staff: Ranganath Sudarshan
Analyze outline and participate in teleconference regarding strategy related to reply to Secretary's brief, contributing unique perspective from Federal Circuit and other Article III litigation experience (2.0).

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Date: 6/22/2018 0.0 Staff: Paul Schwen
Teleconference discussing *Godsey* with B. Stichman, J. Niles, C. Higby (0.0)
[entire 1.2 hours eliminated in the exercise of billing judgment].

Date: 6/22/2018 3.6 Staff: John D. Niles
Continue research regarding Acting Secretary's response to class petition (2.0); Prepare for and conference with Covington and NVLSP teams regarding motion for leave to file reply and strategy for reply, contributing unique perspective from close initial analysis of response (1.6).

Date: 6/22/2018 1.3 Staff: Benjamin C. Block
Prepare for and teleconference regarding potential reply brief, contributing unique perspective from litigation experience including on recommended structure and style of effective reply arguments (1.3).

Date: 6/22/2018 0.0 Staff: Christopher G. Higby
Review Secretary's brief and conference with Covington team (0.0) **[entire 2.5 hours eliminated in the exercise of billing judgment].**

Date: 6/25/2018 2.2 Staff: Barton F. Stichman
Review Secretary's response to class petition (2.2).

Date: 6/25/2018 0.0 Staff: Benjamin C. Block
Review motion for leave to file reply (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment].**

Date: 6/25/2018 2.4 Staff: John D. Niles
Draft motion for leave to file reply in support of petition (0.6); Continue to research Acting Secretary's response to petition (1.8).

Date: 6/25/2018 0.2 Staff: Kathryn E. Cahoy
Email exchange regarding revisions to motion for reply (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/25/2018 0.7 Staff: Paul Schwen
Review Secretary's response to class petition (0.5); Email exchange with B. Stichman and J. Niles (0.1); Continue to review Secretary's response to class petition (0.0) [**entire 2.1 hours eliminated in the exercise of billing judgment**]; Review draft motion for leave to file a reply (0.1).

Date: 6/26/2018 1.7 Staff: Paul Schwen
Teleconference with J. Niles and B. Stichman regarding Acting Secretary's response to class petition and reply in support of class petition, contributing unique perspective from knowledge of class representative-specific facts and facts regarding those similarly situated (1.7).

Date: 6/26/2018 1.5 Staff: Barton F. Stichman
Teleconference with J. Niles and P. Schwen regarding response to Secretary's response to the class petition, contributing unique perspective from veterans' law knowledge and CAVC experience (1.5).

Date: 6/26/2018 0.3 Staff: Benjamin C. Block
Correspondence with J. Niles regarding reply brief (0.3).

Date: 6/26/2018 5.2 Staff: John D. Niles
Teleconference with NVLSP regarding strategy for reply in support of class Petition, contributing unique perspective from research, analysis, and drafting in this case, discussion with Covington attorneys regarding same, and in-depth knowledge of other pending putative CAVC class actions (1.2); Email exchange up regarding same (0.8); Continue research regarding Acting Secretary's amended response to class petition (3.0).

Date: 6/27/2018 3.2 Staff: John D. Niles
Finalize and file motion for leave to file reply in support of petition (1.0); Continue to outline reply (2.2).

Date: 6/29/2018 0.2 Staff: Benjamin C. Block
Add inserts to motion to file reply (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/29/2018 1.2 Staff: John D. Niles
Continue to research reply in support of petition (1.2).

Date: 7/2/2018 4.3 Staff: John D. Niles
Continue research regarding reply (3.0); Continue to outline reply (1.3).

Date: 7/2/2018 4.8 Staff: Paul Schwen
Evaluate impact of contemplated narrowing of class definition, option 1 (2.0);
Evaluate impact of contemplated narrowing of class definition, option 2 (1.7);
Conference with B. Stichman regarding same (1.1).

Date: 7/3/2018 2.0 Staff: John D. Niles
Continue research regarding reply (2.0); Continue to outline reply brief (0.0)
[additional 1.6 hours eliminated in the exercise of billing judgment].

Date: 7/5/2018 3.5 Staff: John D. Niles
Continue research regarding reply (2.0); Continue to develop detailed outline
of reply (1.5) **[additional 1.0 hours eliminated in the exercise of billing
judgment].**

Date: 7/5/2018 6.0 Staff: Paul Schwen
Evaluate impact of contemplated narrowing of class definition, option 3 (3.0);
Evaluate impact of contemplated expansion of class definition, option 4 (3.0).

Date: 7/6/2018 1.0 Staff: John D. Niles
Continue research regarding reply brief (0.0) **[additional 2.0 hours
eliminated in the exercise of billing judgment];** Continue to draft detailed
outline of reply (1.0) **[additional 1.0 hours eliminated in the exercise of
billing judgment].**

Date: 7/6/2018 0.0 Staff: Paul Schwen
Evaluate impact of various combinations of altering the proposed class
definition (0.0) **[entire 3.0 hours eliminated in the exercise of billing
judgment].**

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Date: 7/9/2018 0.5 Staff: Paul Schwen
Continue to evaluate impact of changing proposed class definition (0.0)
[entire 3.5 hours eliminated in the exercise of billing judgment];
Conference with B. Stichman regarding evaluation of impact (0.5).

Date: 7/9/2018 0.5 Staff: Barton F. Stichman
Conference with P. Schwen regarding evaluation of impact, changing
proposed class definition, contributing unique perspective from CAVC and
class action experience (0.5).

Date: 7/9/2018 8.2 Staff: John D. Niles
Supplement research regarding reply brief (2.2); Draft reply brief argument I
(3.0); Draft reply brief argument II (3.0).

Date: 7/10/2018 11.0 Staff: John D. Niles
Continue drafting reply brief argument I (3.0); Continue drafting reply brief
argument II (3.0); Add inserts to increase the persuasive value of reply brief
(3.0); Proofread, cite-check, and finalize draft reply brief (2.0); Email
correspondence regarding reply brief (0.0) **[entire 0.5 hours eliminated in
the exercise of billing judgment]**.

Date: 7/10/2018 0.0 Staff: Paul Schwen
Supplement analysis of impact of various contemplated revisions to proposed
class definition (0.0) **[entire 5.9 hours eliminated in the exercise of billing
judgment]**.

Date: 7/11/2018 0.0 Staff: Christopher G. Higby
Review reply petition and draft comments, identifying where additional legal
authority needed (0.0) **[entire 0.8 hours eliminated in the exercise of billing
judgment]**.

Date: 7/11/2018 0.0 Staff: John D. Niles
Revise draft reply and email team regarding same **[entire 9.6 hours
eliminated in the exercise of billing judgment]**.

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Date: 7/11/2018 0.0 Staff: Paul Schwen
Review docket regarding Court granting petitioners motion for leave to file a reply to the Secretary's June 20, 2018 response; Email exchange with R. Bobroff regarding same (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 7/12/2018 1.5 Staff: Christopher G. Higby
Research caselaw for reply, to provide legal authority for proposition where additional authority needed (1.5).

Date: 7/12/2018 2.4 Staff: John D. Niles
Caselaw research regarding reply brief, legislative history points (2.4).

Date: 7/13/2018 1.1 Staff: John D. Niles
Continue caselaw research regarding reply brief (0.5); Add inserts to reply brief to add persuasive value and clarity to legal argument (0.6).

Date: 7/16/2018 0.1 Staff: John D. Niles
Email correspondence with P. Schwen regarding preparation of reply materials (0.1).

Date: 7/16/2018 1.1 Staff: Paul Schwen
Email exchange with J. Niles regarding drafting Godsey reply (0.1); Research one of the class representatives on VBMS to see if he requested AOJ review new evidence (1.0).

Date: 7/17/2018 0.1 Staff: John D. Niles
Email correspondence with K. Cahoy regarding reply brief (0.1).

Date: 7/17/2018 0.4 Staff: Paul Schwen
Review research on class members for Godsey, draft email to B. Stichman regarding same (0.4).

Date: 7/18/2018 1.2 Staff: Kathryn E. Cahoy
Add inserts to draft reply brief, argument regarding commonality (1.2).

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Date: 7/18/2018 0.2 Staff: Paul Schwen
Email exchange with J. Niles regarding declaration for reply (0.2).

Date: 7/19/2018 1.0 Staff: John D. Niles
Draft affidavit in support of *Godsey* reply; Correspondence with with K. Cahoy regarding same (1.0).

Date: 7/19/2018 0.1 Staff: Paul Schwen
Email exchange with J. Niles regarding declaration for reply (0.1).

Date: 7/19/2018 0.2 Staff: Kathryn E. Cahoy
Email correspondence with J. Niles regarding draft reply (0.2).

Date: 7/23/2018 0.1 Staff: John D. Niles
Caselaw research regarding class petitions; Correspondence with K. Cahoy regarding Secretary Wilkie's confirmation, effect for reply (0.1).

Date: 7/24/2018 0.0 Staff: John D. Niles
Analyze House Veterans Affairs Committee testimony regarding Appeals Modernization Acts implementation for relevance to *Godsey* (0.0) **[entire 3.0 hours eliminated in the exercise of billing judgment]**.

Date: 7/26/2018 1.9 Staff: Kathryn E. Cahoy
Draft inserts to draft reply brief to increase persuasiveness of commonality and *TRAC* arguments (1.9).

Date: 7/27/2018 0.0 Staff: John D. Niles
Conference with K. Cahoy regarding revisions to draft *Godsey* reply, and draft inserts to draft reply brief to increase persuasiveness (0.0) **[entire 2.7 hours eliminated in the exercise of billing judgment]**.

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Date: 7/27/2018 1.8 Staff: Kathryn E. Cahoy
Continue to draft inserts to add persuasive value and clarity to legal argument
(1.8) **[additional 3.6 hours eliminated in the exercise of billing judgment]**.

Date: 7/30/2018 0.9 Staff: Christopher G. Higby
Research caselaw for reply brief (0.9).

Date: 7/30/2018 1.5 Staff: John D. Niles
Continue to draft inserts to add persuasive value and clarity to legal argument,
AWA petition standard and *TRAC* Factor Two (1.5) **[additional 3.1 hours
eliminated in the exercise of billing judgment]**.

Date: 7/30/2018 0.1 Staff: Kathryn E. Cahoy
Add legal authority to reply brief (0.1).

Date: 7/30/2018 0.2 Staff: Paul Schwen
Email exchange with J. Niles regarding declaration draft (0.2).

Date: 7/31/2018 0.1 Staff: Benjamin C. Block
Correspondence regarding status of class petition (0.1).

Date: 8/1/2018 0.0 Staff: John D. Niles
Revise draft declaration in support of reply; Correspondence with K. Cahoy
and C. Higby regarding same (0.0) **[entire 1.0 hours eliminated in the
exercise of billing judgment]**.

Date: 8/1/2018 0.0 Staff: Kathryn E. Cahoy
Add additional inserts to draft reply brief (0.0) **[entire 2.6 hours eliminated in
the exercise of billing judgment]**.

Date: 8/1/2018 0.0 Staff: Christopher G. Higby
Research caselaw for class petitions (0.0) **[entire 1.3 hours eliminated in the
exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 8/2/2018 0.0 Staff: Paul Schwen
Review and add inserts to Godsey Reply (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 8/2/2018 0.0 Staff: John D. Niles
Insert additional legal authority in Godsey reply brief; Correspondence with team regarding same (0.0) **[entire 1.6 hours eliminated in the exercise of billing judgment]**.

Date: 8/6/2018 0.0 Staff: Barton F. Stichman
Review and add inserts to J. Niles draft Petitioners Reply in Support of Petition (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**.

Date: 8/6/2018 0.0 Staff: Paul Schwen
Review and add inserts to reply brief (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 8/7/2018 0.0 Staff: Barton F. Stichman
Conference with P. Schwen regarding Petitioners Reply in Support of Petition (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 8/7/2018 0.0 Staff: Benjamin C. Block
Draft edits to reply brief (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 8/7/2018 1.2 Staff: Paul Schwen
Conference with B. Stichman regarding drafting declaration (0.5); Analyze class representatives' claim records in preparation of filing reply (0.7).

Date: 8/8/2018 7.0 Staff: Alexis M. Ivory
Teleconference with B. Stichman regarding declaration (0.2); Conference with P. Schwen regarding same (0.2); Review relevant evidence and draft declaration (3.0); Continue to review relevant evidence and draft declaration (3.0); Continue to review relevant evidence and draft declaration (0.3); Conference with P. Schwen about the declaration and findings (0.3).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 8/8/2018 0.3 Staff: Barton F. Stichman
Conference with A. Ivory and P. Schwen regarding Petitioners' Reply in Support of Petition (0.3).

Date: 8/8/2018 0.0 Staff: John D. Niles
Correspondence with team regarding drafted inserts to reply brief;
Correspondence with P. Schwen regarding draft declaration in support of reply
[entire 1.0 hours eliminated in the exercise of billing judgment].

Date: 8/8/2018 3.2 Staff: Paul Schwen
Draft declaration (0.4); Conference with B. Stichman and A. Ivory regarding declaration (0.3); Continue to draft declaration (1.6); Teleconference with Alexis Ivory regarding Godsey (0.3); VBMS review of class members for additional VA action on their claims (0.6).

Date: 8/9/2018 0.0 Staff: Kathryn E. Cahoy
Correspondence with team regarding revisions to reply brief (0.0) **[0.5 hours eliminated in the exercise of billing judgment].**

Date: 8/9/2018 3.3 Staff: Paul Schwen
Research for declaration, conference with B. Stichman regarding same (2.8); Conversation with B. Stichman regarding numbers in the declaration (0.2); Discussion with B. Stichman regarding draft of declaration, draft edits to same, submit to B. Stichman for review (0.3); Continue analyzing figures in declaration (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment].**

Date: 8/9/2018 0.0 Staff: Barton F. Stichman
Conference with P. Schwen on additional work for Petitioners Reply, Review of and add inserts to draft of A. Ivory declaration, Review of and add inserts to Covington draft response, Conference with J. Niles regarding additional footnote, Further additions for legal clarity to A. Ivory Declaration (0.0) **[entire 2.1 hours eliminated in the exercise of billing judgment].**

Date: 8/9/2018 0.0 Staff: Ranganath Sudarshan
Draft edits to reply brief (0.0) **[entire 1.5 hours eliminated in the exercise of billing judgment].**

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 8/9/2018 0.0 Staff: John D. Niles
Research related to legal authority for reply brief, add legal authority to draft reply brief, conference with team regarding same (0.0) **[entire 4.4 hours eliminated in the exercise of billing judgment]**.

Date: 8/10/2018 5.2 Staff: Alexis M. Ivory
Review and add inserts to declaration (0.5); Conferences with P. Schwen about the data and declaration (0.4); Teleconference with J. Niles about my declaration (0.2); Research related to the declaration (3.0); Continue research regarding same (1.1).

Date: 8/10/2018 0.6 Staff: Barton F. Stichman
Conference with A. Ivory regarding work needed for Declaration and more additions for clarity to Declaration (0.6).

Date: 8/10/2018 2.9 Staff: John D. Niles
Prepare Table of Contents (0.2); Prepare table of authorities (0.8); Final review of reply brief and exhibits (1.8) **[additional 0.9 hours eliminated in the exercise of billing judgment]**.

Date: 8/13/2018 3.5 Staff: John D. Niles
Research proposed VA regulations implementing Appeals Modernization Act (pro-rata share applicable to *Godsey*); Continue to research same (3.5).

Date: 8/16/2018 0.7 Staff: John D. Niles
Research caselaw developments of possible relevance to *Godsey* (0.7).

Date: 8/20/2018 0.7 Staff: John D. Niles
Research caselaw developments of possible relevance to *Godsey* (0.7).

Date: 8/21/2018 0.2 Staff: Barton F. Stichman
Review docket regarding Judge Allen Form 8 Court decision (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

- Date: 8/21/2018 0.6 Staff: Paul Schwen
Review *Pough* Certification Decision, email exchange with B. Stichman regarding same (0.4); Email exchange with J. Niles regarding Certification Decision in *Pough* (0.2).
- Date: 8/23/2018 1.9 Staff: Barton F. Stichman
Review *Monk* decision (1.5); Conference with J. Niles regarding motion for oral argument and review of draft motion (0.4).
- Date: 8/23/2018 5.6 Staff: John D. Niles
Research *Monk* denial of class certification for relevance to Godsey (3.0); Continue same (1.0); Draft and revise motion for oral argument (1.5); Correspondence with the Secretary's counsel regarding position on that motion (0.1).
- Date: 8/23/2018 1.0 Staff: Ranganath Sudarshan
Draft inserts to add persuasive value to motion for oral argument (1.0).
- Date: 8/24/2018 1.3 Staff: Benjamin C. Block
Email correspondence regarding motion for oral argument (0.3); Research *Monk* decision (1.0).
- Date: 8/24/2018 4.9 Staff: John D. Niles
Continue to analyze *Monk* denial of class certification for potential impact in *Godsey* (1.4); Add inserts to analysis of proposed Appeals Modernization Act regulations (2.9); Finalize and file motion for oral argument (0.6).
- Date: 8/27/2018 4.0 Staff: John D. Niles
Begin to prepare outline of key issues for oral argument preparation (3.0); Continue to prepare outline for oral argument preparation (1.0).
- Date: 8/30/2018 0.3 Staff: John D. Niles
Caselaw research of decisions of relevance to *Godsey* (0.3).
- Date: 9/4/2018 0.2 Staff: Barton F. Stichman
Email exchange regarding *Lefkowitz* filings (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

- Date: 9/4/2018 0.3 Staff: Paul Schwen
Email exchange with J. Niles regarding *Lefkowitz v. Derwinski*, check database for petitioner brief, email B. Stichman regarding same (0.3).
- Date: 9/13/2018 0.0 Staff: Paul Schwen
Review stamp order granting Petitioners' motion for oral argument (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 9/14/2018 0.0 Staff: Benjamin C. Block
Email correspondence regarding Godsey (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.
- Date: 9/25/2018 5.0 Staff: John D. Niles
Attend *Skaar* oral argument for relevance to *Godsey* (3.0); Correspondence with team regarding same (2.0).
- Date: 9/27/2018 0.2 Staff: Benjamin C. Block
Teleconference with B. Stichman regarding changing class definition (0.2).
- Date: 9/28/2018 0.4 Staff: Paul Schwen
Email memorandum from B. Stichman regarding new facts in *Godsey* that may affect relief requested (0.4).
- Date: 10/1/2018 0.1 Staff: Paul Schwen
Email exchange with J. Niles regarding new facts and time for conference (0.1).
- Date: 10/1/2018 0.0 Staff: John D. Niles
Analyze email from P. Schwen, continue to develop strategy for oral argument, and correspond with team regarding same (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.
- Date: 10/1/2018 0.2 Staff: Benjamin C. Block
Email correspondence regarding oral argument preparation, addressing potential amendment to class definition (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/3/2018 0.5 Staff: Benjamin C. Block
Teleconference with NVLSP regarding oral argument preparation, addressing potential amendment to class definition, contributing unique perspective from Article III litigation experience (0.5).

Date: 10/3/2018 1.6 Staff: John D. Niles
Analyze *Monk* appeal to Federal Circuit and its implications for Godsey; Prepare to and participate in conference call with B. Stichman, R. Bobroff, P. Schwen, and B. Block regarding same and *Godsey* strategy, including whether and if so what modification to class definition to prepare to propose at oral argument, contributing unique perspective from research and analysis performed for reply brief including interplay between class definition and surrounding legal framework (1.6).

Date: 10/4/2018 0.7 Staff: Benjamin C. Block
Conference with R. Sudarshan regarding next steps in Godsey (0.2); Correspondence with J. Niles regarding Godsey next steps (0.5).

Date: 10/4/2018 0.0 Staff: John D. Niles
Correspondence with B. Block regarding case strategy and oral argument (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/5/2018 0.0 Staff: John D. Niles
Correspondence regarding preparation for oral argument (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/8/2018 0.0 Staff: Benjamin C. Block
Conference with R. Sudarshan regarding staffing issues (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/8/2018 3.6 Staff: John D. Niles
Continue to prepare outline of key issues for oral argument preparation, anticipating CAVC questions and developing proposed responses to same (3.0); Continue to prepare outline of key issues for oral argument preparation (0.6).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/9/2018 0.1 Staff: John D. Niles
Analyze case developments for relevance to Godsey (0.1).

Date: 10/10/2018 0.0 Staff: Jackson D. Wheeler
Making binders for case team to prepare for oral argument (2.7); continue same (1.0) **[entire 3.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/10/2018 2.1 Staff: John D. Niles
Continue to prepare outline of key issues for oral argument preparation, anticipating CAVC questions on additional issues and developing proposed responses to same (2.1).

Date: 10/12/2018 0.7 Staff: John D. Niles
Continue to prepare outline of key issues for oral argument preparation, anticipating CAVC questions on additional issues and developing proposed responses to same (0.7).

Date: 10/14/2018 0.0 Staff: Benjamin C. Block
Follow up regarding Godsey docket (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/15/2018 0.9 Staff: John D. Niles
Continue to prepare outline of key issues for oral argument preparation, anticipating CAVC questions on additional issues and developing proposed responses to same (0.9).

Date: 10/16/2018 0.8 Staff: John D. Niles
Conference with CAVC Clerk's office regarding status of oral argument Scheduling (0.1); Caselaw research related to developments relevant to Godsey (0.7).

Date: 10/18/2018 0.1 Staff: John D. Niles
Continue research related to litigation activity relevant to Godsey (0.1).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/21/2018 1.2 Staff: John D. Niles
In preparation for oral argument, analyze availability of materials that the Secretary cited in response to the *Godsey* petition (*The Purplebook*) and email correspondence with NVLSP regarding same (1.2).

Date: 10/22/2018 0.0 Staff: Benjamin C. Block
Email correspondence with J. Niles and R. Sudarshan regarding case status (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/22/2018 0.6 Staff: John D. Niles
Research litigation developments relevant to *Godsey* (0.6).

Date: 10/22/2018 0.8 Staff: Paul Schwen
Review petitioner's response to Court's order of October 3, 2018, in *Monk*, Draft email to R. Bobroff regarding same (0.4); Email from J. Niles regarding *Purplebook*; search for *Purplebook*, email to B. Stichman regarding same (0.4).

Date: 10/23/2018 0.0 Staff: Carrie R. Ansell
Research regarding Congressional history in preparation for oral argument (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**.

Date: 10/23/2018 0.0 Staff: John D. Niles
Conference with clerk's office regarding status of *Godsey* oral argument; Research *The Purplebook* for relevance to issues in *Godsey*; Draft FOIA request for records relating to *The Purplebook*; Continue to draft same (0.0) **[entire 9.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/23/2018 0.0 Staff: Paul Schwen
Conference with J. Niles regarding how the BVA uses the *Purplebook*; Find cases relating to requested hearings and Section 7107 (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2018 0.0 Staff: Benjamin C. Block
Review and add inserts to FOIA request (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 10/24/2018 0.0 Staff: John D. Niles
Correspondence with B. Block regarding draft FOIA request (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/25/2018 1.0 Staff: John D. Niles
Research regarding likely CAVC approaches to oral argument regarding petition for writ of mandamus seeking relief from delay (1.0); Add inserts to draft FOIA request, correspondence with B. Block and R. Sudarshan regarding same, and continue research regarding proposed class definition (0.0) **[entire 1.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/25/2018 0.0 Staff: Benjamin C. Block
Conference with R. Sudarshan regarding FOIA request (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/26/2018 1.4 Staff: John D. Niles
Research related to *Thompson* putative class-action decision for potential relevance to *Godsey* and correspondence with team regarding same (1.2); Draft inserts to oral argument preparation outline to address issues relating to same (0.2).

Date: 10/29/2018 0.0 Staff: John D. Niles
Continue to prepare team for oral argument (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/31/2018 0.0 Staff: John D. Niles
Continue to prepare team for oral argument (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 11/1/2018 0.0 Staff: John D. Niles
Finalize and send FOIA request for The Purplebook materials to BVA (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 11/3/2018 0.5 Staff: John D. Niles
Research and respond to correspondence from B. Stichman regarding *Godsey* (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 11/6/2018 0.4 Staff: John D. Niles
Research new decision for potential impact in *Godsey* (0.4).

Date: 11/7/2018 0.0 Staff: Benjamin C. Block
Conference regarding status of FOIA request and oral argument (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 11/7/2018 0.8 Staff: John D. Niles
Analyze *Monk* filing; Correspondence with team regarding same, *Godsey* status, and FOIA status (0.8) **[additional 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 11/14/2018 0.1 Staff: John D. Niles
Research new CAVC decision in *Monk* for relevance to *Godsey* (0.1).

Date: 11/15/2018 0.1 Staff: John D. Niles
Research case developments for relevant to *Godsey* (0.1).

Date: 11/16/2018 0.0 Staff: John D. Niles
Teleconference with P. Schwen regarding The Purplebook (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**

Date: 11/16/2018 0.0 Staff: Paul Schwen
Email exchange with J. Niles regarding Purplebook and its application to *Godsey* (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 11/20/2018 0.3 Staff: Benjamin C. Block
Correspondence and teleconference regarding oral argument schedule (0.3).

Date: 11/21/2018 0.2 Staff: Benjamin C. Block
Correspondence with Clerk regarding oral argument (0.1); Teleconference with B. Stichman (0.1).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 11/26/2018 2.1 Staff: Kathryn E. Cahoy
Identify and analyze key materials for oral argument preparation, including initial review of oral argument preparation outline (2.1).

Date: 11/28/2018 0.0 Staff: Jackson D. Wheeler
Making and shipping additional binders to attorney for oral argument preparation (0.0) **[entire 1.9 hours eliminated in the exercise of billing judgment]**.

Date: 11/28/2018 0.7 Staff: Kathryn E. Cahoy
Continue to identify and analyze key materials for oral argument preparation, including to review oral argument preparation outline (0.7).

Date: 11/29/2018 0.0 Staff: John D. Niles
Analyze and outline response to FOIA request (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 11/29/2018 0.0 Staff: Paul Schwen
Email exchange with J. Niles regarding Purplebook with attached Covington FOIA Request (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 12/14/2018 0.3 Staff: John D. Niles
Teleconference with K. Cahoy regarding *Godsey* oral argument preparation, contributing unique perspective from development of oral argument preparation outline (0.3).

Date: 12/20/2018 0.2 Staff: Benjamin C. Block
Teleconference with K. Cahoy regarding *Godsey* oral argument (0.2).

Date: 1/14/2019 0.0 Staff: Kathryn E. Cahoy
Email correspondence with team regarding moot for oral argument (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 1/16/2019 0.0 Staff: Kathryn E. Cahoy
Email correspondence with team regarding preparation for oral argument (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 1/18/2019 0.0 Staff: Kathryn E. Cahoy
Email correspondence with team regarding preparation for oral argument (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 1/24/2019 0.2 Staff: Benjamin C. Block
Review clarification regarding topics for oral argument (0.2).

Date: 1/28/2019 0.0 Staff: Jackson D. Wheeler
Prepare additional binder for upcoming oral argument (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 1/28/2019 2.2 Staff: John D. Niles
Research *Monk* Federal Circuit briefing for relevance to *Godsey* (2.2).

Date: 1/29/2019 0.2 Staff: Benjamin C. Block
Email exchange regarding *Godsey* (0.2).

Date: 1/29/2019 3.1 Staff: John D. Niles
Develop plan to research, analyze, and summarize CAVC decisions in petitions, for relevance to *Godsey* oral argument (0.7); Begin to research, analyze, and summarize all CAVC decisions in petitions since January 1, 2017, for relevance to *Godsey* oral argument (2.4).

Date: 1/30/2019 4.6 Staff: John D. Niles
Continue to research, analyze, and summarize CAVC decisions in petitions, for relevance to *Godsey* oral argument (3.0); continue same (1.6).

Date: 1/31/2019 0.2 Staff: Benjamin C. Block
Emails exchange regarding *Godsey* oral argument (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

- Date: 1/31/2019 0.6 Staff: John D. Niles
Conference with K. Cahoy regarding oral argument preparation strategy, contributing unique perspective from in-depth review and outline; Email correspondence regarding same (0.6).
- Date: 1/31/2019 0.4 Staff: Kathryn E. Cahoy
Teleconference with J. Niles regarding strategy for preparation for oral argument, contributing unique perspective from class action experience (0.4).
- Date: 2/1/2019 0.2 Staff: Benjamin C. Block
Emails exchange with R. Sudarshan regarding oral argument (0.2).
- Date: 2/1/2019 5.5 Staff: John D. Niles
Prepare to and attend oral argument for putative class appeal, for relevance to *Godsey* (3.0); Email correspondence regarding same (2.5).
- Date: 2/1/2019 0.6 Staff: Kathryn E. Cahoy
Correspond with team regarding strategy for oral argument preparation (0.6).
- Date: 2/4/2019 2.8 Staff: John D. Niles
Continue to research, analyze, and summarize CAVC decisions in petitions, for relevance to *Godsey* oral argument (2.8).
- Date: 2/5/2019 0.4 Staff: Kathryn E. Cahoy
Teleconference with B. Block regarding oral argument preparation; Research Rule 23 amendments (0.4).
- Date: 2/5/2019 0.2 Staff: Benjamin C. Block
Email exchange with CAVC clerk regarding hearing (0.2).
- Date: 2/5/2019 3.0 Staff: John D. Niles
Continue to research, analyze, and summarize CAVC decisions in petitions, for relevance to *Godsey* oral argument (3.0); Draft oral argument presentation for K. Cahoy review (0.0) [**entire 1.7 hours eliminated in the exercise of billing judgment**].

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 2/6/2019 0.4 Staff: Kathryn E. Cahoy
Email correspondence with J. Niles regarding strategy for oral argument (0.4).

Date: 2/6/2019 9.4 Staff: John D. Niles
Email correspondence with K. Cahoy regarding oral argument (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**; Continue to research, analyze, and summarize CAVC decisions in petitions, for relevance to *Godsey* oral argument (3.0); Continue same (3.0); Continue same (3.0); Continue same (0.4).

Date: 2/7/2019 0.2 Staff: Benjamin C. Block
Follow-up email exchange with CAVC Clerk of Court (0.2).

Date: 2/7/2019 0.4 Staff: John D. Niles
Analyze oral argument preparation materials and prepare questions for moot (0.4).

Date: 2/7/2019 0.9 Staff: Kathryn E. Cahoy
Email correspondence with team regarding oral argument preparation (0.9).

Date: 2/8/2019 4.5 Staff: Kathryn E. Cahoy
Prepare for oral argument (4.5).

Date: 2/8/2019 0.0 Staff: Kevin F. King
Correspondence with K. Cahoy regarding moot court in preparation for oral argument (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 2/8/2019 0.1 Staff: John D. Niles
Continue oral argument preparation (0.1).

Date: 2/8/2019 0.0 Staff: Jackson D. Wheeler
Make binder for upcoming oral argument (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 2/9/2019 6.0 Staff: Kathryn E. Cahoy
Prepare for oral argument (3.0); Continue to prepare for oral argument (3.0).

Date: 2/11/2019 3.5 Staff: John D. Niles
Analyze supplemental issues in preparation for oral argument, as identified by K. Cahoy (3.5).

Date: 2/11/2019 2.6 Staff: Kathryn E. Cahoy
Prepare for oral argument (2.6).

Date: 2/12/2019 2.9 Staff: Kathryn E. Cahoy
Prepare for oral argument (2.9).

Date: 2/12/2019 0.0 Staff: John D. Niles
Analyze K. Cahoy's notes regarding oral argument; prepare to and confer with K. Cahoy regarding same (0.0) **[entire 4.7 hours eliminated in the exercise of billing judgment]**.

Date: 2/13/2019 9.0 Staff: Kathryn E. Cahoy
Prepare for oral argument (3.0); Continue to prepare for oral argument (3.0); Continue to prepare for oral argument (3.0).

Date: 2/13/2019 0.0 Staff: John D. Niles
Continue to analyze supplemental issues in preparation for oral argument, as identified by K. Cahoy (0.0) **[entire 5.8 hours eliminated in the exercise of billing judgment]**.

Date: 2/13/2019 1.1 Staff: Barton F. Stichman
Review of briefs to prepare for 1st moot court (1.1); Listen to *Neal* oral argument for relevance to *Godsey* (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 2/13/2019 1.0 Staff: Benjamin C. Block
Review briefs in preparation for moot court (1.0).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 2/13/2019 0.0 Staff: Henry B. Liu
Prepare for moot court (0.0) **[entire 3.0 hours eliminated in the exercise of billing judgment]**.

Date: 2/14/2019 2.5 Staff: Barton F. Stichman
Preparation for moot court and conduct of moot court with K. Cahoy and Block/Niles, contributing unique perspective from senior CAVC and class action experience and from review of case materials (2.5).

Date: 2/14/2019 2.2 Staff: Benjamin C. Block
Conference regarding oral argument logistics (0.2); Preparation for and moot court for oral argument, contributing unique perspective from litigation experience and review of case materials (2.0).

Date: 2/14/2019 0.0 Staff: Henry B. Liu
Prepare for and attend moot court (0.0) **[entire 2.8 hours eliminated in the exercise of billing judgment]**.

Date: 2/14/2019 4.2 Staff: John D. Niles
Continue to prepare for and participate in moot court, contributing unique perspective from in-depth case knowledge and familiarity with K. Cahoy's preparations (4.2).

Date: 2/14/2019 3.7 Staff: Kathryn E. Cahoy
Prepare for oral argument (2.7); Moot for oral argument (1.0).

Date: 2/14/2019 2.0 Staff: Ranganath Sudarshan
Prepare for and participate in mock argument for *Godsey* CAVC case, contributing unique perspective from oral argument experience (2.0).

Date: 2/15/2019 0.5 Staff: John D. Niles
Continue oral argument preparation, analyzing supplemental issues as identified during moot court (0.5).

Date: 2/15/2019 0.3 Staff: Kathryn E. Cahoy
Correspondence regarding oral argument (0.3).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 2/16/2019 3.5 Staff: John D. Niles
Continue oral argument preparation, analyzing supplemental issues as identified during moot court (3.0); Correspondence with K. Cahoy regarding same (0.5).

Date: 2/16/2019 0.3 Staff: Barton F. Stichman
Research and send K. Cahoy sample VA emails regarding periodic lag time between substantive appeal and BVA decision (0.3).

Date: 2/17/2019 0.0 Staff: John D. Niles
Continue oral argument preparation (0.0) **[entire 1.7 hours eliminated in the exercise of billing judgment]**.

Date: 2/18/2019 0.2 Staff: Benjamin C. Block
Correspondence with B. Stichman regarding moot court questions (0.2).

Date: 2/18/2019 0.0 Staff: John D. Niles
Continue oral argument preparation **[entire 8.0 hours eliminated in the exercise of billing judgment]**.

Date: 2/18/2019 8.3 Staff: Kathryn E. Cahoy
Prepare for oral argument (3.0); Continue to prepare for oral argument (3.0); Travel to DC for moot for oral argument (2.3).

Date: 2/18/2019 3.7 Staff: Barton F. Stichman
Email exchange with P. Schwen regarding status of class petition in Godsey and Whitfield (0.3); Review of parties' brief and cases cited to prepare for moot court (2.7); Prepare questions for K. Cahoy to answer at moot (0.7).

Date: 2/19/2019 2.3 Staff: Barton F. Stichman
Conference for 2nd moot with K. Cahoy, contributing unique perspective from senior CAVC and class action experience and review of additional materials (2.3).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 2/19/2019 1.5 Staff: Benjamin C. Block
Godsey moot court, contributing unique perspective from litigation experience (1.5).

Date: 2/19/2019 3.8 Staff: John D. Niles
Participate in Moot Court, contributing unique perspective from in-depth case knowledge and familiarity with K. Cahoy's preparations (1.8). Continue other oral argument preparation (2.0) **[additional 4.0 hours eliminated in the exercise of billing judgment]**.

Date: 2/19/2019 7.6 Staff: Kathryn E. Cahoy
Prepare for oral argument (3.0); Continue to prepare for oral argument (3.0); Participate in Moot Court (1.6).

Date: 2/19/2019 0.0 Staff: Kevin F. King
Prepare for and attend moot of CAVC oral argument (0.0) **[entire 2.1 hours eliminated in the exercise of billing judgment]**.

Date: 2/19/2019 0.0 Staff: Paul Schwen
Email exchange with J. Niles regarding factual investigation in support of oral argument (0.0) **[entire 1.3 hours eliminated in the exercise of billing judgment]**.

Date: 2/20/2019 0.0 Staff: Barton F. Stichman
Travel for oral argument; Continue oral argument preparation (0.0) **[entire 4.5 hours eliminated in the exercise of billing judgment]**.

Date: 2/20/2019 0.0 Staff: Paul Schwen
Email exchange with B. Stichman and J. Niles regarding oral argument (0.0) **[entire 2.3 hours eliminated in the exercise of billing judgment]**.

Date: 2/20/2019 6.8 Staff: Kathryn E. Cahoy
Continue to prepare for oral argument (3.0); Continue to prepare for oral argument (1.5); Travel to oral argument (2.3).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 2/20/2019 0.0 Staff: John D. Niles
Travel to oral argument; Continue to supplement analysis of issues to prepare K. Cahoy for oral argument [**entire 10.5 hours eliminated in the exercise of billing judgment**].

Date: 2/20/2019 0.0 Staff: Benjamin C. Block
Travel to Lynchburg; Prepare for argument; Correspondence regarding oral argument (0.0) [**entire 5.1 hours eliminated in the exercise of billing judgment**].

Date: 2/21/2019 0.0 Staff: Barton F. Stichman
Attend oral argument; Return travel; Continue return travel [**entire 6.2 hours eliminated in the exercise of billing judgment**].

Date: 2/21/2019 0.0 Staff: Benjamin C. Block
Conference; Oral argument; QandA; Reception; Return travel (0.0) [**entire 10.0 hours eliminated in the exercise of billing judgment**].

Date: 2/21/2019 0.0 Staff: John D. Niles
Continue to prepare K. Cahoy for oral argument; Attend oral argument; Return travel from oral argument [**entire 12.0 hours eliminated in the exercise of billing judgment**].

Date: 2/21/2019 13.8 Staff: Kathryn E. Cahoy
Prepare for oral argument (3.0); Continue to prepare for oral argument (3.0); Continue to prepare for oral argument (2.0); Oral argument (3.0); Return travel from oral argument (2.8).

Date: 2/21/2019 0.0 Staff: Paul Schwen
Email from J. Niles regarding summary of oral argument (0.0) [**entire 0.2 hours eliminated in the exercise of billing judgment**].

Date: 2/22/2019 4.7 Staff: Kathryn E. Cahoy
Continue travel home from oral argument (3.0); Continue travel home from oral argument (1.7).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 4/3/2019 2.1 Staff: John D. Niles
Research regarding recent Godsey-relevant oral argument in *Monk*; Research recent Veterans Court class-action developments (2.1).

Date: 4/8/2019 1.7 Staff: John D. Niles
Add inserts to research regarding pending veterans class petitions (1.7).

Date: 4/25/2019 0.1 Staff: John D. Niles
Review new filing in *Monk* (Federal Circuit) appeal for relevance to *Godsey* (0.1).

Date: 5/14/2019 0.5 Staff: John D. Niles
Review docket in Veterans Court for relevance to *Godsey* (0.5).

Date: 5/29/2019 0.0 Staff: Kathryn E. Cahoy
Email exchange with J. Niles strategy for class action (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 5/30/2019 0.0 Staff: Isaac C. Belfer
Email exchange regarding staffing (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 5/31/2019 0.3 Staff: John D. Niles
Review draft motion to withdraw; Correspondence with C. Higby regarding same; Draft Notice of Change of Address and Affiliation of Co-Counsel (0.3) **[additional 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 6/3/2019 0.2 Staff: Paul Schwen
Email from CAVC regarding changes in docket (0.2).

Date: 6/4/2019 0.0 Staff: Isaac C. Belfer
Conference with pro bono coordinator regarding staffing (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/12/2019 0.0 Staff: Isaac C. Belfer
Email exchange regarding staffing (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 6/13/2019 1.2 Staff: Paul Schwen
Review order from CAVC in Godsey certifying class and granting petition (1.2).

Date: 6/13/2019 1.6 Staff: Kathryn E. Cahoy
Review Court order certifying class and granting petition; Email correspondence regarding same (1.6).

Date: 6/13/2019 4.4 Staff: John D. Niles
Review Court order certifying class and granting petition (1.4); Develop strategy for next steps and draft correspondence regarding same (3.0).

Date: 6/13/2019 0.8 Staff: Benjamin C. Block
Analyze and email exchange with J. Niles and NVLSP regarding Court order certifying class and granting petition (0.8).

Date: 6/14/2019 0.2 Staff: Benjamin C. Block
Teleconference with Court deputy regarding unredacted petition (0.2).

Date: 6/14/2019 1.2 Staff: John D. Niles
Draft correspondence to named petitioners regarding June 13 order; Correspond with team regarding monitoring and enforcement of compliance with June 13 order, and EAJA preparation (1.2).

Date: 6/14/2019 1.5 Staff: Kathryn E. Cahoy
Research regarding CAVC caselaw; Communications with team regarding same (1.5).

Date: 6/14/2019 0.8 Staff: Barton F. Stichman
Continue to review CAVC's Godsey Court decision (0.8).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/19/2019 0.5 Staff: Benjamin C. Block
Telephone intake from potential class members regarding class action status (0.5).

Date: 6/19/2019 0.0 Staff: Paul Schwen
Email exchange with R. Bobroff regarding Godsey queries on NVLSP's email account (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 6/21/2019 0.1 Staff: Benjamin C. Block
Teleconference with potential class member (0.1).

Date: 6/21/2019 0.1 Staff: John D. Niles
Analyze correspondence from potential class member following up on class petition (0.1).

Date: 6/24/2019 0.5 Staff: Benjamin C. Block
Teleconference with potential class members (0.3); Teleconference with R. Bobroff regarding class member inquiries (0.2).

Date: 6/24/2019 0.3 Staff: Kathryn E. Cahoy
Teleconference with Mr. Marshall regarding questions about class certification order (0.3).

Date: 6/24/2019 1.9 Staff: Paul Schwen
Teleconference with P. Briotta and B. Stichman regarding Godsey Veteran Query (0.5); Review CAVC Order (0.5); Email from P. Briotta regarding setting up special email inbox for inquiries into Godsey (0.2); Draft phone script for potential members of Godsey Class (0.7).

Date: 6/25/2019 2.0 Staff: Barton F. Stichman
Email exchange with Covington regarding conference (0.5); Conference with VA counsel (0.6); Email exchanges with potential class members (0.9).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 6/25/2019 1.9 Staff: Paul Schwen
Email exchange with R. Bobroff regarding Godsey Script (0.1); Email from B. Stichman regarding Godsey Script (0.1); Email from B. Stichman regarding discussion points with co-counsel (0.6); Email from R. Bobroff regarding discussion points with co-counsel (0.1); Email from S. Tromble regarding discussion points with co-counsel (0.1); Email from P. Briotta regarding setting up designated email for Godsey Class members (0.1); Email from M. Draper regarding setting up designated email for Godsey Class members (0.1); Review edits to Godsey Class Phone Script by B. Stichman (0.3); Draft email script to Godsey class members, send to supervisors for review (0.4).

Date: 6/25/2019 0.3 Staff: Benjamin C. Block
Email exchange regarding B. Stichman proposal about privacy protective order (0.3).

Date: 6/25/2019 0.2 Staff: Kathryn E. Cahoy
Email team regarding strategy for monitoring and enforcing compliance with June 13 order (0.2).

Date: 6/26/2019 6.5 Staff: Paul Schwen
Calling potential members of *Godsey* class who phoned into NVLSP (3.0); Review relevant evidence to evaluate potential class members' status (3.0); Continue to call potential class members (0.5).

Date: 6/27/2019 0.3 Staff: Kathryn E. Cahoy
Emails regarding outreach from potential class members (0.3).

Date: 6/27/2019 0.9 Staff: Paul Schwen
Email exchange with R. Bobroff regarding list of names who have reached out to NVLSP (0.1); Email from R. Bobroff regarding *Godsey* Phone Script (0.2); Email from P. Briotta regarding *Godsey* phone script (0.2); Review edits to proposed email script from B. Stichman, make changes to script (0.4).

Date: 6/28/2019 5.5 Staff: Paul Schwen
Calling potential members of *Godsey* class who phoned into NVLSP (3.0); Continue phone calls to potential class members (2.5).

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 7/2/2019 0.4 Staff: Benjamin C. Block
Email exchange regarding call with NVLSP to discuss class monitoring (0.2);
Teleconferences with calls veterans regarding Godsey (0.2).

Date: 7/2/2019 0.1 Staff: Isaac C. Belfer
Email exchange regarding case management (0.1).

Date: 7/2/2019 0.1 Staff: Jeffrey L. Huberman
Conference with B. Block, K. Cahoy, and I. Belfer regarding status of class
petition (0.1).

Date: 7/2/2019 1.0 Staff: John D. Niles
Correspondence with attorney of potential class member (0.7);
Correspondence with Covington regarding next steps (0.2); Review order that
Clerk's Office will docket an unlocked, redacted version of the petition as of
July 2, 2019, and follow up with P. Schwen regarding same (0.1).

Date: 7/2/2019 0.7 Staff: Paul Schwen
Review order that Clerk's Office will docket an unlocked, redacted version of
the petition as of July 2, 2019 (0.3); Review Redacted Version of the
11/15/17, Class petition (0.4).

Date: 7/3/2019 0.0 Staff: Isaac C. Belfer
Email exchange regarding case management call (0.0) **[entire 0.2 hours
eliminated in the exercise of billing judgment]**.

Date: 7/8/2019 3.0 Staff: Paul Schwen
Email exchanges with potential class members regarding class petition and
their status (3.0).

Date: 7/9/2019 5.0 Staff: Paul Schwen
Email exchanges with potential class members regarding class petition and
their status (2.0); Email exchanges with potential class members regarding
class petition and their status (3.0).

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Date: 7/11/2019 0.3 Staff: Jeffrey L. Huberman
Communicate with I. Belfer and K. Cahoy regarding upcoming tasks relating to monitoring and enforcement of compliance with June 13 order; background reading on the case (0.3).

Date: 7/12/2019 0.5 Staff: Isaac C. Belfer
Review materials in response to NVLSP request (0.5).

Date: 7/12/2019 0.2 Staff: John D. Niles
Conference with B. Stichman regarding enforcement of June 13 order (0.2).

Date: 7/12/2019 6.0 Staff: Paul Schwen
Email exchanges with potential class members regarding class petition and their status (3.0); Email exchanges with potential class members regarding class petition and their status (3.0).

Date: 7/15/2019 1.0 Staff: Ranganath Sudarshan
Teleconference with NVLSP regarding enforcement of June 13 order, contributing unique perspective from litigation experience; Follow up with J. Huberman (1.0).

Date: 7/15/2019 0.8 Staff: Barton F. Stichman
Conference with K. Cahoy, B. Block, I. Belfer, J. Huberman and J. Niles regarding enforcement suggestions, contributing unique perspective from CAVC and class action experience (0.8).

Date: 7/15/2019 0.3 Staff: Isaac C. Belfer
Teleconference regarding class certification and petition order's monitoring and enforcement (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**; Analyze case materials regarding process going forward (0.3).

Date: 7/15/2019 3.2 Staff: Jeffrey L. Huberman
Review background materials, including June 2019 CAVC opinion in Godsey (2.0); Legal research regarding class counsel's right to absent class members' names and contact information (1.2); Teleconference with NVLSP **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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- Date: 7/15/2019 1.3 Staff: John D. Niles
Teleconference regarding enforcement of June 13 order, contributing unique perspective from in-depth knowledge of other pending CAVC class matters (0.8); follow up regarding same (0.5).
- Date: 7/15/2019 0.9 Staff: Kathryn E. Cahoy
Preparation for and teleconference with NVLSP regarding strategy in response to court order, contributing unique perspective from Article III class action experience (0.9).
- Date: 7/15/2019 0.3 Staff: Paul Schwen
Email exchange with P. Briotta regarding managing Godsey emails (0.2);
Email exchange with R. Bobroff regarding my role in managing Godsey emails (0.1).
- Date: 7/16/2019 3.0 Staff: Paul Schwen
Email exchanges with potential class members regarding class petition and their status (3.0).
- Date: 7/16/2019 4.0 Staff: Jeffrey L. Huberman
Conference with K. Cahoy regarding legal research on class counsel's right to contact information of absent class members (0.0) **[entire 0.6 hours eliminated in the exercise of billing judgment]**; Legal research regarding same (3.0); continue legal research regarding same (1.0).
- Date: 7/16/2019 0.6 Staff: Kathryn E. Cahoy
Conference with J. Huberman regarding analysis of contact and other information from class members (0.6).
- Date: 7/17/2019 5.0 Staff: Jeffrey L. Huberman
Continue legal research regarding class counsel's right to contact information of putative or absent class members (3.0); Legal research regarding deadlines for en banc review in CAVC (1.5); Conference with K. Cahoy regarding research (0.5).

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- Date: 7/17/2019 0.0 Staff: Kathryn E. Cahoy
Teleconference with J. Huberman regarding class contact information research (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.
- Date: 7/17/2019 0.6 Staff: Paul Schwen
Email exchange with S. Nguyen regarding veteran who called in the Godsey class hotline (0.2); Teleconference with potential Godsey class member (0.4).
- Date: 7/18/2019 1.5 Staff: Jeffrey L. Huberman
Finalize legal research into class counsel's right to class members' contact information post-certification (1.5).
- Date: 7/19/2019 2.0 Staff: Jeffrey L. Huberman
Draft summary of research on class counsel's right to class members' contact information post-certification to team; Review and add inserts to summary (2.0).
- Date: 7/19/2019 0.5 Staff: Paul Schwen
Teleconference and email exchange with potential class member regarding Godsey class petition (0.5).
- Date: 7/22/2019 0.3 Staff: Benjamin C. Block
Review J. Huberman research on information regarding class members (0.3).
- Date: 7/22/2019 0.3 Staff: Jeffrey L. Huberman
Conference with team regarding call to discuss next steps (0.3).
- Date: 7/23/2019 0.2 Staff: Kathryn E. Cahoy
Teleconference with team regarding protective order request from VA (0.2).
- Date: 7/23/2019 0.5 Staff: Ranganath Sudarshan
Email exchanges regarding class contact issues (0.5).

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- Date: 7/23/2019 0.7 Staff: Isaac C. Belfer
Conference regarding letter to VA (0.3); Review research in preparation for team meeting (0.4).
- Date: 7/23/2019 0.6 Staff: Benjamin C. Block
Conference with associated regarding information for Class Counsel (0.3); Add inserts to draft letter to VA (0.3).
- Date: 7/23/2019 2.9 Staff: Jeffrey L. Huberman
Follow-up legal research regarding class counsel's right to class member contact information; Review Godsey docket for information relevant to letter; Draft letter to VA regarding class members contact information; Teleconference regarding same; Draft privacy protective order (2.9).
- Date: 7/24/2019 0.5 Staff: Barton F. Stichman
Review and add inserts to Covington draft of letter to VA counsel and privacy protection order (0.5).
- Date: 7/24/2019 0.3 Staff: Benjamin C. Block
Edits to letter and protective order (0.3).
- Date: 7/24/2019 0.7 Staff: Jeffrey L. Huberman
Continue drafting privacy protective order for use in Godsey (0.7).
- Date: 7/24/2019 1.0 Staff: John D. Niles
Review and add inserts to draft letter to VA and draft privacy protection order (1.0).
- Date: 7/27/2019 0.1 Staff: Benjamin C. Block
Teleconference with potential class member (0.1).
- Date: 7/29/2019 0.5 Staff: Barton F. Stichman
Add inserts for legal clarity to Covington draft letter to VA counsel and privacy protection order (0.5).

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Date: 7/29/2019 0.7 Staff: Jeffrey L. Huberman
Conference regarding draft letter to VA and privacy protective order; Add inserts to letter and privacy protective to transmit to VA (0.7).

Date: 7/29/2019 0.1 Staff: John D. Niles
Conference with B. Stichman regarding draft correspondence to VA counsel (0.1).

Date: 7/31/2019 0.2 Staff: Benjamin C. Block
Email exchanges with veterans regarding class definition (0.2).

Date: 8/7/2019 0.3 Staff: Benjamin C. Block
Review VA response regarding privacy order (0.3).

Date: 8/7/2019 0.1 Staff: Jeffrey L. Huberman
Review correspondence from VA regarding class member contact information (0.1).

Date: 8/9/2019 0.4 Staff: Jeffrey L. Huberman
Correspondence with potential class member(0.4).

Date: 8/9/2019 0.6 Staff: Kathryn E. Cahoy
Teleconference with veteran who requested to join class; Review Response to Court order (0.6).

Date: 8/9/2019 2.2 Staff: John D. Niles
Review response to Court order and latest developments in class petition; Correspondence with Covington and VA counsel; Add inserts to draft privacy protection order (2.2).

Date: 8/12/2019 4.0 Staff: Chris Childers
Caselaw research in support of monitoring and enforcing compliance with June 13 order (3.0); Continue research (1.0) **[additional 4.0 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 8/12/2019 0.0 Staff: Jeffrey L. Huberman
Conference with DC paralegal manager to obtain paralegal assistance for Godsey going forward; Conference with paralegal M. Smith regarding updating docket (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 8/13/2019 0.0 Staff: Chris Childers
Caselaw research in support of monitoring and enforcing compliance with June 13 order **[entire 8.0 hours eliminated in the exercise of billing judgment]**.

Date: 8/13/2019 0.9 Staff: John D. Niles
Review CAVC Order regarding August status update; Conference with B. Stichman and C. Childers regarding same; Draft correspondence to Covington regarding same (0.9).

Date: 8/14/2019 1.0 Staff: Jeffrey L. Huberman
Conference with K. Cahoy regarding research on class counsel's right to class contact information; Review dockets in Nio and Kirwa cases to find samples of protective orders; Confer with J. Niles regarding same (1.0).

Date: 8/14/2019 0.0 Staff: Mareda G. Smith
Update internal file with updated docket report and new filings; Update internal file regarding documents for Lemuel Bray in new M drive folder (0.0) **[entire 0.5 eliminated in the exercise of billing judgment]**.

Date: 8/14/2019 1.5 Staff: John D. Niles
Correspondence with C. Childers regarding research (0.5); Conference with K. Cahoy regarding status of class petition and latest developments (0.7); draft email to co-counsel at Covington regarding same (0.3).

Date: 8/14/2019 1.0 Staff: Kathryn E. Cahoy
Teleconference with J. Niles regarding strategy for responding to Secretary (0.7); Correspondence with J. Huberman regarding research question (0.3).

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Date: 8/16/2019 8.0 Staff: Chris Childers
Supplement caselaw research in support of monitoring and enforcing compliance with June 13 order (0.0) **[entire 8.0 eliminated in the exercise of billing judgment]**.

Date: 8/19/2019 0.4 Staff: Barton F. Stichman
Review of and add inserts to draft email to VA counsel M. Kral and draft privacy protection order (0.4).

Date: 8/19/2019 0.2 Staff: Benjamin C. Block
Correspondence with VA counsel regarding Privacy order (0.2).

Date: 8/19/2019 0.1 Staff: John D. Niles
Correspondence regarding privacy protection order (0.1).

Date: 8/22/2019 0.1 Staff: Benjamin C. Block
Correspondence with VA counsel regarding privacy order (0.1).

Date: 8/23/2019 0.1 Staff: Benjamin C. Block
Correspondence with NVLSP regarding privacy order (0.1).

Date: 8/26/2019 0.2 Staff: Benjamin C. Block
Correspondence regarding privacy order (0.2).

Date: 8/27/2019 0.0 Staff: Barton F. Stichman
Conference with J. Niles regarding need for additional research regarding class counsel's right to information for monitoring and enforcement purposes (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 8/27/2019 0.0 Staff: John D. Niles
Conference with B. Stichman regarding class counsel's right to information for monitoring and enforcement purposes (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

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Date: 8/30/2019 0.0 Staff: Mareda G. Smith
Review docket regarding latest filings (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 9/3/2019 0.9 Staff: John D. Niles
Research relating to motion to enforce June 13 order (0.9).

Date: 9/4/2019 0.1 Staff: John D. Niles
Conference with B. Stichman regarding monitoring and enforcement of court order (0.1).

Date: 9/6/2019 1.7 Staff: L. Michael Marquet
Analyze list of potential class members in Form 8 Delay case and determine status (1.7).

Date: 9/9/2019 0.7 Staff: Barton F. Stichman
Conference with J. Niles regarding preparing two motions; privacy protection motion and motion to disclose class members contact information (0.7).

Date: 9/9/2019 0.7 Staff: John D. Niles
Conference with B. Stichman regarding preparation of two motions, a privacy protection motion and motion to disclose class members contact information (0.7).

Date: 9/10/2019 0.2 Staff: Barton F. Stichman
Conference with P. Schwen and M. Marquet (0.2).

Date: 9/10/2019 5.3 Staff: John D. Niles
Analyze facts pertinent to motion for contact information (1.8); Outline motion for contact information (1.2); Draft motion for contact information; Draft motion for contact information (2.3).

Date: 9/11/2019 0.5 Staff: Barton F. Stichman
Conference with M. Marquet and P. Schwen regarding monitoring class members cases for compliance with June 13, 2019 Court order (0.5).

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Date: 9/11/2019 4.7 Staff: John D. Niles
Analyze facts pertinent to motion to enforce June 13 order, introduction and statement of relevant facts (1.5); Outline motion to enforce June 13 order (1.0); Begin to draft motion to enforce, introduction, statement of facts, argument (2.2).

Date: 9/11/2019 0.7 Staff: L. Michael Marquet
Conference with B. Stichman and P. Schwen regarding Godsey class petition; Email exchange with P. Schwen regarding same (0.7).

Date: 9/12/2019 0.4 Staff: Barton F. Stichman
Conference with J. Niles regarding draft motion of petitioners for approval of stipulated privacy protection order (0.4).

Date: 9/12/2019 3.9 Staff: John D. Niles
Add inserts to argument, motion to enforce June 13 order (1.7); Add inserts argument, motion for contact information (1.4); Draft motion for approval of privacy protective order (0.8).

Date: 9/13/2019 0.2 Staff: Mareda G. Smith
Review docket regarding latest filings (0.2).

Date: 9/16/2019 0.5 Staff: Barton F. Stichman
Add inserts to J. Niles draft of motion for approval of stipulated privacy protection order (0.5).

Date: 9/16/2019 0.0 Staff: Jeffrey L. Huberman
Conference with K. Cahoy regarding paralegal needs; Conference with paralegal M. Smith regarding upcoming needs (0.0) **[entire 0.2 hours eliminated in the exercise of billing discretion]**.

Date: 9/18/2019 1.2 Staff: Barton F. Stichman
Edit motion for approval of stipulated privacy protection order (1.2).

Date: 9/18/2019 0.5 Staff: Benjamin C. Block
Review NVLSP draft motions (0.5).

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Date: 9/18/2019 0.1 Staff: Isaac C. Belfer
Email exchange regarding motions (0.1).

Date: 9/18/2019 0.6 Staff: John D. Niles
Edit motion for approval of privacy protective order (0.6) **[additional. 0.6 hours eliminated in the exercise of billing judgment]**.

Date: 9/18/2019 0.2 Staff: Kathryn E. Cahoy
Email correspondence regarding draft motions (0.2).

Date: 9/19/2019 0.2 Staff: Kathryn E. Cahoy
Email exchange regarding draft motions (0.2).

Date: 9/19/2019 0.3 Staff: John D. Niles
Conference with B. Stichman and Covington co-counsel regarding enforcement-related matters (0.3).

Date: 9/19/2019 2.4 Staff: Isaac C. Belfer
Add inserts to draft motions (2.4).

Date: 9/19/2019 0.5 Staff: Benjamin C. Block
Email exchange with VA regarding refusal to address files of Blue Water Navy claimants (0.2); Review and add inserts to I. Belfer edits to NVLSP motions (0.3).

Date: 9/25/2019 0.0 Staff: Benjamin C. Block
File Privacy Order (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 9/30/2019 0.3 Staff: Benjamin C. Block
Correspondence regarding privacy order (0.3).

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Date: 9/30/2019 1.1 Staff: Jeffrey L. Huberman
Conference with K. Cahoy regarding September 25 filing and deficiencies;
Research CAVC rules regarding same; Add inserts to motion for approval of
privacy protective agreement and agreement (1.1).

Date: 9/30/2019 0.2 Staff: John D. Niles
Correspondence with co-counsel regarding draft motions and Blue Water
Navy issue (0.2).

Date: 10/1/2019 0.2 Staff: Benjamin C. Block
Follow-up regarding Privacy Order (0.2).

Date: 10/1/2019 0.0 Staff: Jeffrey L. Huberman
Conference with K. Cahoy regarding privacy protective agreement filing;
Conference with team regarding same; Draft email to VA regarding privacy
protective agreement (0.0) **[entire 0.7 hours eliminated in the exercise of
billing judgment]**.

Date: 10/1/2019 0.0 Staff: John D. Niles
Correspondence up with co-counsel regarding Privacy Protection Agreement
(0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/2/2019 0.0 Staff: Kathryn E. Cahoy
Teleconference with J. Huberman regarding amended filing (0.0) **[entire 0.2
hours eliminated in the exercise of billing judgment]**.

Date: 10/2/2019 0.0 Staff: Mareda G. Smith
Research filings in the Court of Appeals for Veterans Claims; Conference with
senior paralegals; Conference with J. Huberman regarding motion filing (0.0)
[entire 1.2 hours eliminated in the exercise of billing judgment].

Date: 10/2/2019 0.5 Staff: John D. Niles
Conference with B. Stichman regarding draft motions; Conference with J.
Huberman regarding same (0.5).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/2/2019 0.1 Staff: Isaac C. Belfer
Conference regarding filing motions (0.1).

Date: 10/2/2019 0.0 Staff: Benjamin C. Block
Correspondence regarding privacy motion (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/2/2019 0.0 Staff: Jeffrey L. Huberman
Conference with team regarding filing motion and privacy protective agreement; Conference with J. Niles regarding same; Draft and file motion and privacy protective agreement; Conference with IT and others to set up filing in CAVC on computer (0.0) **[entire 1.9 hours eliminated in the exercise of billing judgment]**.

Date: 10/3/2019 0.5 Staff: Barton F. Stichman
Conference with J. Niles regarding draft motions; Conference with J. Huberman regarding same (0.5).

Date: 10/3/2019 0.5 Staff: Benjamin C. Block
Add inserts to compliance motions (0.5).

Date: 10/3/2019 0.0 Staff: Jeffrey L. Huberman
Conference with team regarding today's filings; Add inserts to motion for contact information and motion to enforce; Finalize motions (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/3/2019 0.8 Staff: John D. Niles
Add inserts to draft motions regarding enforcement of June order (0.8).

Date: 10/9/2019 0.8 Staff: John D. Niles
Review Secretary's response to June 13 order and analyze next steps (0.8).

Date: 10/10/2019 0.1 Staff: Isaac C. Belfer
Review Secretary's 120-day update (0.1).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/11/2019 0.0 Staff: Benjamin C. Block
Conference with J. Niles and I. Belfer regarding potential contempt motion (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/11/2019 0.0 Staff: Isaac C. Belfer
Teleconference regarding motion for contempt with NVLSP; Draft motion for contempt; Teleconference regarding motion for contempt (0.0) **[entire 2.5 hours eliminated in the exercise of billing judgment]**.

Date: 10/11/2019 0.0 Staff: John D. Niles
Conference with B. Stichman and I. Belfer regarding contempt motion (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/13/2019 0.0 Staff: Isaac C. Belfer
Draft motion for contempt (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/14/2019 0.0 Staff: Isaac C. Belfer
Draft motion for contempt (0.0) **[entire 2.0 hours eliminated in the exercise of billing judgment]**.

Date: 10/15/2019 0.0 Staff: John D. Niles
Correspondence with Covington regarding draft contempt motion (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/15/2019 0.4 Staff: Jeffrey L. Huberman
Conference with team regarding VA's request for additional time to respond to our motion seeking class members contact information; Email exchange with VA counsel regarding same (0.4).

Date: 10/15/2019 0.0 Staff: Isaac C. Belfer
Add inserts to motion to show cause regarding contempt (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/15/2019 0.2 Staff: Benjamin C. Block
Email exchange regarding extension requests (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

- Date: 10/16/2019 2.2 Staff: Isaac C. Belfer
Add inserts to contempt motion; Caselaw research regarding contempt (0.0)
[entire 2.2 hours eliminated in the exercise of billing judgment].
- Date: 10/17/2019 0.2 Staff: Isaac C. Belfer
Draft contempt motion (0.0) **[entire 0.9 hours eliminated in the exercise of billing judgment]**; Review and add inserts to documents regarding motion to enforce order (0.2).
- Date: 10/17/2019 0.1 Staff: Jeffrey L. Huberman
Review VA's response in opposition to petitioners' motion to enforce (0.1).
- Date: 10/18/2019 0.0 Staff: Benjamin C. Block
Add inserts to motion to compel (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment].**
- Date: 10/18/2019 0.0 Staff: Isaac C. Belfer
Continue to draft and edit contempt motion (0.0) **[entire 3.6 hours eliminated in the exercise of billing judgment].**
- Date: 10/18/2019 0.0 Staff: Jeffrey L. Huberman
Review draft of contempt motion regarding Blue Water Navy Veterans (0.0)
[entire 0.2 hours eliminated in the exercise of billing judgment].
- Date: 10/21/2019 0.0 Staff: John D. Niles
Conference with B. Stichman regarding draft contempt motion (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment].**
- Date: 10/22/2019 0.0 Staff: Isaac C. Belfer
Email exchange regarding contempt motion (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment].**
- Date: 10/23/2019 0.0 Staff: Jeffrey L. Huberman
Proofread, add inserts, and cite-check petitioner class motion for contempt (0.0) **[entire 2.1 hours eliminated in the exercise of billing judgment].**

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/23/2019 0.3 Staff: Kathryn E. Cahoy
Review new *Monk* decision for relevance to Godsey (0.3); Review docketing regarding motion to compel (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment]**.

Date: 10/23/2019 0.0 Staff: Isaac C. Belfer
Continue to add inserts to contempt motion (0.0) **[entire 4.8 hours eliminated in the exercise of billing judgment]**.

Date: 10/23/2019 0.0 Staff: Benjamin C. Block
Add inserts to contempt motion (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2019 0.0 Staff: Isaac C. Belfer
Add inserts to contempt motion (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2019 0.0 Staff: Jeffrey L. Huberman
Finalize Godsey contempt motion (0.0) **[entire 0.7 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2019 0.0 Staff: John D. Niles
Add inserts to draft contempt motion (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2019 0.0 Staff: Kathryn E. Cahoy
Email exchange with team regarding motion for contempt (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 10/24/2019 0.0 Staff: Mareda G. Smith
Assist with filing contempt motion (0.0) **[entire 0.5 eliminated in the exercise of billing judgment]**.

Date: 10/24/2019 0.0 Staff: Benjamin C. Block
Review *Godsey* oral argument; Add inserts to contempt motion (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 10/27/2019 0.0 Staff: John D. Niles
Review recent CAVC class petition developments (0.0) **[Entire 0.1 hours eliminated in the exercise of billing judgment].**

Date: 10/31/2019 0.0 Staff: Benjamin C. Block
Analyze Secretary's response to motion for contact information (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment].**

Date: 10/31/2019 0.2 Staff: Isaac C. Belfer
Review Secretary's response to motion for contact information (0.2).

Date: 10/31/2019 0.0 Staff: Jeffrey L. Huberman
Review Secretary's response to motion for contact information (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment].**

Date: 10/31/2019 0.0 Staff: John D. Niles
Review Secretary's response to motion for contact information (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment].**

Date: 11/4/2019 0.0 Staff: Jeffrey L. Huberman
Review additional Blue Water Navy documentation from VA (0.0) **[entire 0.1 hours eliminated in the exercise of billing judgment].**

Date: 11/4/2019 0.5 Staff: John D. Niles
Correspondence with team regarding Blue Water Navy policy memorandum (0.5).

Date: 11/4/2019 0.1 Staff: Isaac C. Belfer
Review VA memorandum regarding Blue Water Navy (0.1).

Date: 11/5/2019 0.6 Staff: Jeffrey L. Huberman
Correspond with team regarding case status, pending motions, and VA request for extension of time to respond to contempt motion (0.6).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

- Date: 11/8/2019 0.1 Staff: John D. Niles
Research regarding pending class petition cases of potential relevance to Godsey (0.1).
- Date: 11/15/2019 0.6 Staff: Isaac C. Belfer
Email exchange regarding protective order (0.6).
- Date: 11/20/2019 0.7 Staff: Jeffrey L. Huberman
Review relevant evidence to obtain potential class member contact information; Email exchange regarding same with NVLSP (0.7).
- Date: 11/21/2019 0.1 Staff: Jeffrey L. Huberman
Review VA's response to petitioners' contempt motion (0.1).
- Date: 11/21/2019 0.5 Staff: John D. Niles
Review VA's response to contempt motion (0.4);
Correspondence with B. Stichman regarding same (0.1).
- Date: 11/26/2019 0.1 Staff: John D. Niles
Conference with B. Stichman regarding whether to reply to VA opposition to contempt motion (0.1).
- Date: 11/28/2019 0.8 Staff: Isaac C. Belfer
Review Secretary's opposition to contempt motion and evaluate whether to seek leave to file a reply (0.8).
- Date: 12/5/2019 0.2 Staff: John D. Niles
Conference with B. Stichman regarding CAVC class developments (0.2).
- Date: 12/9/2019 0.7 Staff: Isaac C. Belfer
Analyze VA's letter regarding supplemental authority related to motion for contempt (0.5) **[additional 1.4 hours eliminated in the exercise of billing discretion]**; Teleconference with J. Niles regarding same (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 12/9/2019 0.1 Staff: Jeffrey L. Huberman
Review VA's filing regarding supplemental authority (0.1).

Date: 12/9/2019 0.0 Staff: Benjamin C. Block
Review Docket regarding Secretary letter related to Procopio (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 12/9/2019 0.6 Staff: John D. Niles
Review Secretary's notice of supplemental authority for potential response (0.4); Teleconference with co-counsel regarding same (0.2).

Date: 12/10/2019 0.0 Staff: Benjamin C. Block
Add inserts to draft letter in support of contempt motion (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 12/10/2019 0.0 Staff: Isaac C. Belfer
Draft response to Secretary's letter related to Procopio (0.0) **[entire 1.1 hours eliminated in the exercise of billing judgment]**.

Date: 12/11/2019 0.0 Staff: John D. Niles
Add inserts to draft response to Secretary's notice of supplemental authority (0.0) **[entire 0.3 hours eliminated in the exercise of billing judgment]**.

Date: 12/12/2019 0.0 Staff: Isaac C. Belfer
Review order related to contempt motion (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 12/12/2019 0.2 Staff: Jeffrey L. Huberman
Review order denying petitioners motion for contempt (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 1/14/2020 0.0 Staff: Jeffrey L. Huberman
Review Docket regarding deadlines; Conference with K. Cahoy regarding same (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 1/14/2020 0.0 Staff: Kathryn E. Cahoy
Review docket regarding case status and deadlines (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 1/23/2020 0.7 Staff: Kathryn E. Cahoy
Analysis of Covington billing entries for EAJA application (0.7).

Date: 1/24/2020 0.0 Staff: John D. Niles
Coordinate preparing list of itemized hours to be attached as exhibit to EAJA application (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 1/26/2020 1.5 Staff: John D. Niles
Begin to review Covington's list of itemized hours for inclusion in exhibit to EAJA application (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**; Verify Secretary's compliance with June 13 order (1.5).

Date: 1/27/2020 0.7 Staff: John D. Niles
Continue to review Covington's list of itemized hours (0.0) **[entire 0.4 hours eliminated in the exercise of billing judgment]**; Continue to verify Secretary's compliance with the June 13 order (0.7).

Date: 2/10/2020 0.0 Staff: John D. Niles
Continue to review Covington's and NVLSP's lists of itemized hours for inclusion in exhibit to EAJA application (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 2/11/2020 0.0 Staff: John D. Niles
Continue to review Covington's and NVLSP's lists of itemized hours for inclusion in exhibit to EAJA application, and confer with B. Stichman regarding EAJA application (0.0) **[entire 1.6 hours eliminated in the exercise of billing judgment]**.

Date: 2/11/2020 0.0 Staff: Barton F. Stichman
Confer with J. Niles regarding EAJA application (0.0) **[entire 0.8 hours eliminated in the exercise of billing judgment]**.

Date: 3/2/2020 0.2 Staff: John D. Niles
Analyze and respond to correspondence from potential class member (0.2).

Date: 3/3/2020 0.0 Staff: John D. Niles
Continue to review Covington's and NVLSP's lists of itemized hours for inclusion in exhibit to EAJA application (0.0) **[entire 0.2 hours eliminated in the exercise of billing judgment]**.

Date: 3/4/2020 0.0 Staff: L. Michael Marquet
Conference with J. Niles regarding EAJA, compiling data for EAJA (0.6), draft email regarding deadlines (0.0) **[entire 1.4 hours eliminated in the exercise of billing judgment]**.

Date: 3/4/2020 0.0 Staff: John D. Niles
Conference with M. Marquet regarding preparation of EAJA application, continue to review Covington's and NVLSP's lists of itemized hours for inclusion in exhibit to EAJA application (0.0) **[entire 1.0 hours eliminated in the exercise of billing judgment]**.

Date: 3/6/2020 2.3 Staff: John D. Niles
Continue to review VA compliance with June 2019 order (2.3).

Date: 3/26/2020 0.2 Staff: John D. Niles
Respond to potential class members' inquiries (0.2).

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 3/27/2020 2.7 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application;
Correspondence to J. Niles regarding same (2.7).

Date: 3/31/2020 1.0 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application
(1.0).

Date: 4/1/2020 1.5 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application
(1.5).

Date: 4/2/2020 2.0 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application
(2.0).

Date: 4/2/2020 0.3 Staff: John D. Niles
Email exchange with M. Marquet regarding EAJA application (0.3).

Date: 4/7/2020 3.0 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application
(3.0).

Date: 4/8/2020 3.7 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application
(3.0); Continue same (0.7).

Date: 4/9/2020 1.7 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 4/14/2020 3.9 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application (3.0); Continue same (0.9).

Date: 4/14/2020 0.3 Staff: John D. Niles
Email exchange with A. Ivory regarding inquiry from potential class member (0.3).

Date: 4/14/2020 0.5 Staff: Alexis Ivory
Review, correspond with J. Niles regarding, and respond to inquiry from potential class member (0.5).

Date: 4/15/2020 4.5 Staff: L. Michael Marquet
Prepare list of itemized hours to be attached as exhibit to EAJA application (3.0); Continue same (1.5).

Date: 4/16/2020 0.0 Staff: L. Michael Marquet
Continue to prepare list of itemized hours to be attached as exhibit to EAJA application (0.0) **[entire 3.5 hours eliminated in the exercise of billing judgment]**.

Date: 4/16/2020 2.2 Staff: John D. Niles
Review list of itemized hours, to include adding detail to itemized list and eliminating hours in the exercise of billing judgment (2.2).

Date: 4/17/2020 3.0 Staff: John D. Niles
Review list of itemized hours, to include adding detail to itemized list and eliminating hours in the exercise of billing judgment (3.0).

Date: 4/19/2020 0.0 Staff: John D. Niles
Review list of itemized hours, to include adding detail to itemized list and eliminating hours in the interest of billing judgment (0.0) **[entire 6.7 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

Date: 4/20/2020 0.0 Staff: L. Michael Marquet

Edit list of itemized hours and eliminate hours (0.0) **[entire 1.5 hours eliminate in the exercise of billing judgment]**.

Date: 4/20/2020 5.0 Staff: John D. Niles

Continue to review list of itemized hours, to include adding detail to itemized list and eliminating hours in the interest of billing judgment (0.0) **[entire 4.5 hours eliminated in the exercise of billing judgment]**; Research (2.0) and draft (3.0) application for reasonable attorneys' fees and expenses under the Equal Access to Justice Act (EAJA) including recitation of relevant procedural history.

Date: 4/23/2020 3.8 Staff: John D. Niles

Research (1.5) and draft inserts to increase the persuasive value of legal argument, EAJA application (2.3).

Date: 4/25/2020 0.0 Staff: John D. Niles

Continue to review list of itemized hours, to include adding detail to itemized list and eliminating hours in the interest of billing judgment (0.0) **[entire 4.5 hours eliminated in the exercise of billing judgment]**.

Date: 4/29/2020 0.0 Staff: John D. Niles

Review list of itemized expenses, to include eliminating expenses in the interest of billing judgment (0.0) **[entire 0.5 hours eliminated in the exercise of billing judgment]**.

Date: 5/5/2020 0.0 Staff: John D. Niles

Finalize EAJA application, to include eliminating expenses in the interest of billing judgment and adding detail to application and itemized list **[entire 3.0 hours eliminated in the exercise of billing judgment]**.

Staff Hours for James A. Godsey et al. v. Wilkie

Vet. App. No. 17-4361

CERTIFICATION

As lead counsel for purposes of preparing the EAJA application in this matter, I have reviewed the combined billing statement above and I am satisfied that it accurately reflects the work performed by all counsel and others entitled to be included above; and I have considered and eliminated all time that I believe reasonably could be considered excessive or redundant.

Date: May 6, 2020

/s/ John D. Niles
John D. Niles

EXHIBIT B

U.S. BUREAU OF LABOR STATISTICS

Search BLS.gov

Databases, Tables & Calculators by Subject

Change Output Options:

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Data extracted on: May 5, 2020 (3:56:11 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS35ASA0, CUUSS35ASA0
Not Seasonally Adjusted
Series Title: All items in Washington-Arlington-Alexandria, DC-VA-MD-WV, all urban consumers, not seasonally adjusted
Area: Washington-Arlington-Alexandria, DC-VA-MD-WV
Item: All items
Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1996	156.8		158.4		159.0		160.1		160.8		161.2		159.6	158.3	160.8
1997	161.6		161.9		162.1		162.9		163.6		161.8		162.4	162.0	162.8
1998	162.5		163.5		163.6		164.9		165.2		164.5				
1999	165.4		165.9		167.0		168.3		169.8		169.1				
2000	169.8		173.2		172.5		174.8		175.0		175.3				
2001	175.9		177.2		178.0		179.2		180.9		179.5				
2002	180.0		181.9		183.6		184.2		185.8		185.4				
2003	186.3		188.8		188.7		190.2		190.8		190.4				
2004	190.7		192.8		194.1		195.4		196.5		197.2				
2005	198.2		200.4		201.8		202.8		205.6		204.3				
2006	205.6		206.4		209.1		211.4		211.2		210.1				
2007	211.101		214.455		216.097		217.198		218.457		218.331				
2008	220.587		222.554		224.525		228.918		228.871		223.569				
2009	221.830		222.630		223.583		226.084		227.181		226.533				
2010	227.440		228.480		228.628		228.432		230.612		230.531				
2011	232.770		235.182		237.348		238.191		238.725		238.175				
2012	238.994		242.235		242.446		241.744		244.720		243.199				
2013	243.473		245.477		245.499		246.178		247.838		247.264				
2014	247.679		249.591		250.443		250.326		250.634		249.972				
2015	247.127		249.985		251.825		250.992		252.376		251.327		250.664	249.828	251.500
2016	250.807		252.718		254.850		254.305		253.513		253.989		253.422	253.049	253.795
2017	254.495		255.435		255.502		255.518		257.816		257.872		256.221	255.332	257.110
2018	260.219		260.026		261.770		262.016		263.056		261.120		261.445	260.903	261.987
2019	262.304		264.257		265.967		265.170		265.500		265.026		264.777	264.252	265.301
2020	266.433		265.385												

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EXHIBIT C

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Data extracted on: May 5, 2020 (4:08:03 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUUR0200SA0, CUUS0200SA0 Not Seasonally Adjusted Series Title: All items in Midwest urban, all urban consumers, not seasonally adjusted Area: Midwest Item: All items Base Period: 1982-84=100

Download: xlsx

Table with 16 columns (Year, Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec, Annual, HALF1, HALF2) and 37 rows of data from 1996 to 2020.

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Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001 Telephone:1-202-691-5200 Federal Relay Service:1-800-877-8339 www.bls.gov

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Change Output Options:

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Data extracted on: May 5, 2020 (4:07:30 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURN200SA0, CUUSN200SA0 Not Seasonally Adjusted Series Title: All items in Midwest - Size Class B/C, all urban consumers, not seasonally adjusted Area: Midwest - Size Class B/C Item: All items Base Period: DECEMBER 1996=100

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Table with 16 columns (Year, Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec, Annual, HALF1, HALF2) and 21 rows of data from 1996 to 2020.

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EXHIBIT D

USAO ATTORNEY'S FEES MATRIX — 2015-2020*Revised Methodology starting with 2015-2016 Year*

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17	2017-18	2018-19	2019-20
31+ years	568	581	602	613	637
21-30 years	530	543	563	572	595
16-20 years	504	516	536	544	566
11-15 years	455	465	483	491	510
8-10 years	386	395	410	417	433
6-7 years	332	339	352	358	372
4-5 years	325	332	346	351	365
2-3 years	315	322	334	340	353
Less than 2 years	284	291	302	307	319
Paralegals & Law Clerks	154	157	164	166	173

Explanatory Notes

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).
2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at <http://www.bls.gov/ppi>. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

Legal Services index measures. Although it is a national index, and not a local one, *cf. Eley v. District of Columbia*, 793 F.3d 97, 102 (D.C. Cir. 2015) (noting criticism of national inflation index), the PPI-OL index has historically been generous relative to other possibly applicable inflation indexes, and so its use should minimize disputes about whether the inflator is sufficient.

4. The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc.* 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore (DC-MD-VA-WV) area. The USAO rates for years prior to and including 2014-15 remains the same as previously published on the USAO's public website.
5. The various "brackets" in the column headed "Experience" refer to the attorney's years of experience practicing law. Normally, an attorney's experience will be calculated starting from the attorney's graduation from law school. Thus, the "Less than 2 years" bracket is generally applicable to attorneys in their first and second years after graduation from law school, and the "2-3 years" bracket generally becomes applicable on the second anniversary of the attorney's graduation (*i.e.*, at the beginning of the third year following law school). See *Laffey*, 572 F. Supp. at 371. An adjustment may be necessary, however, if the attorney's admission to the bar was significantly delayed or the attorney did not otherwise follow a typical career progression. See, *e.g.*, *EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp. 2d 56, 60-61 (D.D.C. 2013) (same). The various experience levels were selected by relying on the levels in the ALM Legal Intelligence 2011 survey data. Although finer gradations in experience level might yield different estimates of market rates, it is important to have statistically sufficient sample sizes for each experience level. The experience categories in the current USAO Matrix are based on statistically significant sample sizes for each experience level.
6. ALM Legal Intelligence's 2011 survey data does not include rates for paralegals and law clerks. Unless and until reliable survey data about actual paralegal/law clerk rates in the D.C. metropolitan area become available, the USAO will compute the hourly rate for Paralegals & Law Clerks using the most recent historical rate from the USAO's former *Laffey* Matrix (*i.e.*, \$150 for 2014-15) updated with the PPI-OL index. The formula is \$150 multiplied by the PPI-OL index for May in the year of the update, divided by 194.3 (the PPI-OL index for May 2014), and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).
7. The attorney's fees matrices issued by the United States Attorney's Office are intended to facilitate the settlement of attorney's fees claims in actions in which the United States may be liable to pay attorney's fees to the prevailing party and the United States Attorney's Office is handling the matter. The United States Attorney's Office is presently working with other parties to develop a revised rate schedule, based upon current, realized rates paid to attorneys handling complex federal litigation in the District of Columbia federal courts. This effort is motivated in part by the D.C. Circuit's urging that "both the plaintiff and defense sides of the bar" should "work together and think creatively about how to produce a reliable assessment of fees charged for complex federal litigation in the District." *D.L. v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). This new matrix should address the issues identified by the majority in *D.L.*, but it is expected that it will be some time before a new matrix can be prepared. In the interim, for matters in which a prevailing party agrees to payment pursuant to the matrices issued by the United States Attorney's Office, the United States Attorney's Office will not demand that a prevailing party offer the additional evidence that the law otherwise requires. See *Eley*, 793 F.3d at 104 (quoting *Covington v. District of Columbia*, 57 F.3d 1101, 1109 (D.C. Cir. 1995)) (requiring "evidence that [the] 'requested rates are in line with those prevailing in the community for similar services'").