

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

|  |   |                      |
|--|---|----------------------|
| <b>JAMES D. SMITH,</b><br>Appellant,                       | ) |                      |
|  | ) |                      |
|  | ) |                      |
| v.   | ) | Vet.App. No. 19-1209 |
|  | ) |                      |
| <b>ROBERT L. WILKIE,</b><br>Secretary of Veterans Affairs, | ) |                      |
|  | ) |                      |
|  | ) |                      |
| Appellee.  | ) |                      |

**APPELLEE’S UNOPPOSED MOTION FOR AN EXTENSION OF TIME  
TO RESPOND TO APPELLANT’S APPLICATION FOR ATTORNEYS’  
FEES UNDER EAJA UNTIL OCTOBER 26, 2020**

Pursuant to U.S. Vet. App. R. 26(b), Appellee, Robert L. Wilkie, Secretary of Veterans Affairs, respectfully moves the Court for a 45-day extension of time within which to respond to Appellant’s Application for Attorneys’ Fees Under EAJA. If not for this motion, the Secretary’s response would be due on September 11, 2020.

The request for more time is being made because of the undersigned’s current deadlines and workload considerations in other cases pending before the Court, which preclude completion of Appellee’s response at this time. Appellant is not opposed to this motion.

Neither party has previously been granted any days of extension in the EAJA stage of this case thus far. On behalf of the Secretary, counsel expresses regret to the Court and Appellant for any inconvenience caused by the delay in filing the Secretary’s response. However, in view of the

aforesaid circumstances, an extension of 45 days, until October 26, 2020, is requested.

**WHEREFORE**, Appellee Robert L. Wilkie, Secretary of Veterans Affairs, respectfully moves the Court for an extension of time to file a response to Appellant's Application for Attorney's fees, until October 26, 2020.

Respectfully submitted,

**WILLIAM A. HUDSON, JR.**  
Principal Deputy General Counsel

**MARY ANN FLYNN**  
Chief Counsel

/s/ Megan C. Kral  
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