

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

<b>FREDERICK L. PAYNE,</b>	)	
	)	
Appellant,	)	
	)	
v.	)	Vet. App. No. 17-3439 (E)
	)	
<b>ROBERT L. WILKIE,</b>	)	
Secretary of Veterans Affairs,	)	
	)	
Appellee.	)	

**APPELLEE’S MOTION FOR AN EXTENSION OF TIME TO FILE HIS  
RESPONSE TO APPELLANT’S APPLICATION FOR ATTORNEY FEES  
UNTIL JANUARY 20, 2021**

Pursuant to U.S. Vet. App. R. 26(b) and 45(g), Appellee, Robert L. Wilkie, Secretary of Veterans Affairs (Secretary), respectfully requests a 30-day extension of time within which to file his response to Appellant’s application for attorney fees under the Equal Access to Justice Act (EAJA), which is due on December 21, 2020.

Good cause exists for this motion due to the Appellee's counsel's workload, which has delayed completion of his response. Consequently, additional time is necessary to complete and to review Appellee’s response. Counsel for Appellant stated that she does not oppose this motion.

Neither party has received an extension of time in the EAJA portion of this case.

**WHEREFORE**, Appellee Robert A. McDonald, Secretary of Veterans Affairs, respectfully moves the Court for a 30-day extension of time, until January 20, 2021, to file his response to Appellant's EAJA application.

Respectfully submitted,

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

**MARY ANN FLYNN**  
Chief Counsel

/s/ Kenneth A. Walsh

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**KENNETH A. WALSH**  
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/s/ Brent Bowker

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