

KENNETH M. CARPENTER
and
ROBERT V. CHISHOLM,

Appellants,

v.

DENIS McDONOUGH
Secretary of Veterans Affairs,

Appellee.

No. 19-1136

**APPELLANT KENNETH M. CARPENTER’S UNOPPOSED
MOTION FOR AN EXTENSION OF TIME UNTIL MAY 3, 2021, IN
WHICH TO MOVE FOR PANEL AND/OR FULL COURT REVIEW**

Pursuant to Rule 26(b) of this Court’s Rules of Practice and Procedure, Appellant Kenneth M. Carpenter (“Mr. Carpenter”) respectfully requests a 45-day extension of time in which to move for panel and/or full court review of the Court’s February 24, 2021, decision.¹ But for that extension, the time to move for panel and/or full court review would expire on March 17, 2021. The forty-fifth day after Wednesday, March 17, 2021, is a Saturday. The first day thereafter that is not a Saturday, Sunday, legal holiday, or day that the Court is closed at the direction of the Chief Judge is May 3, 2021.

¹ On March 10, 2021, Mr. Carpenter and Appellant Robert V. Chisholm (“Mr. Chisholm”) filed a Motion to Deconsolidate these appeals. This Motion for an Extension of Time is being filed on behalf of Mr. Carpenter only.

This is Mr. Carpenter's first request for an extension of time to move for panel and/or full court review. Mr. Carpenter was granted a 45-day extension of time in which to file the initial brief and a 45-day extension of time in which to file the reply brief, for a total of 90 days of extension time granted to Mr. Carpenter. The Secretary was granted a 45-day extension of time to file the Record Before the Agency and a 45-day extension of time to file the Secretary's brief, for a total of 90 days of extension time granted to the Secretary. The total extension time that has been granted to all parties in this case is 180 days.

Mr. Carpenter requests this 45-day extension of time to permit him comprehensively to evaluate the Court's February 24, 2021, decision in this case and to research, prepare, and review a motion for panel and/or full court review. These items require more time than initially anticipated in the light of multiple developments postdating the February 24, 2021, decision. Mr. Carpenter and his counsel meanwhile have many competing professional commitments, including to prepare for upcoming oral arguments before this Court and the Federal Circuit; and to research, prepare, and review briefs for filing before courts and the VA.

For all of these reasons, Mr. Carpenter respectfully requests an extension of time until May 3, 2021, to move for panel and/or full court review.

The Secretary, through counsel, has informed Mr. Carpenter, through counsel, that the Secretary is unopposed to this Motion.

Respectfully submitted,

March 10, 2021

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