

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

JOHN B. WELLS,

Petitioner,

v.

DENIS MCDONOUGH,
Secretary of Veterans Affairs,

Respondent.

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Vet. App. No. 20-5221

***SOLZE V. SHINSEKI* NOTICE TO THE COURT**

Pursuant to this Court's holding in *Solze v. Shinseki*, "[i]n all cases before this Court, the parties are under a duty to notify the Court of developments that could deprive the Court of jurisdiction or otherwise affect its decision." 26 Vet. App. 299, 301 (2013). The Secretary files this Notice in accordance with such directive.

On June 8, 2021, VA paid Petitioner \$841.67 (\$885.97 minus an assessment fee of \$44.30) for the case of Mr. Conard; then on June 24, 2021, VA paid Petitioner \$3,508.29 (\$3,608.29 minus an assessment fee of \$100.00) for the case of Mr. Gieringer; then on July 8, 2021, VA paid Petitioner \$4,809.33 (\$4,909.33 minus a processing fee of \$100.00) for the case of Mr. Riley.

VA denied fees in the cases of Mr. Harper (on March 30, 2020), Mr. O'Dell (on April 20, 2021), and Mr. Bernard (on April 20, 2021).

Respondent has attached a set of tables showing all fees referred to in original Petition and the Amended Petition have either been paid or denied. See Attachment.

WHEREFORE, the Secretary respectfully notifies the Court of the above, relevant developments in the present case.

Respectfully submitted,

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General Counsel

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Chief Counsel

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ATTACHMENT

TABLES¹

Petition (Pet.) and Petitioner's Reply (Pet. Rep.) Exhibit 1: Cases listed as being paid or needing payment

Veteran	Letter Date²	Fee	Payment Date	Paid
Peterson	(rev 4/21/20)	\$13,344.57	7/29/20	\$13,244..57
Drenning	4/15/20	\$26,466.80	9/10/20	\$26,466.80
Hanks	5/10/20	\$4,981.20	9/4/20	\$4,881.20
Thatcher	5/29/20	\$12,386.38	8/23/20	\$12,286.38
Yates	6/5/20	\$47,535.45	8/22/20	\$47,435.45
McMurty	6/22/20	\$357.90 ³	11/18/20	\$340.00
Barrelle	6/29/20	\$2,783.50	9/4/20	\$4,370.27
Woodham	6/30/20	\$1,645.42	9/8/20	\$1,645.42
Yates	7/16/20	\$2,650.35	10/13/20	\$2650.35
Conard	7/17/20	\$8,749.01	12/15/20	\$8,649.01 ⁴

Amended Petition (Am. Pet.): Cases listed as paid or needing payment

Veteran	Letter Date	Fee	Payment Date	Paid⁵
Shaffer	11/8/19	\$51,169.86	2/6/20	\$51,169.86
Procopio	12/20/19	\$21,373.27	3/31/20	\$21,373.27
Procopio	3/6/20	\$4,469.20	5/28/20	\$4,469.20
Pennington	3/30/20	\$42,422.81	6/8/20	\$42,422.81
Hill	-----	\$8,633.33	Paid by client	\$8,633.33
Petersen	4/21/20	\$13,244.57	7/29/20	\$13,244.57
Maddox	5/3/20	\$4,205.57	7/28/20	\$4,205.57
Yates	6/5/20	\$47,435.45	8/22/20	\$47,435.45

¹ The numbers and dates in these tables have been taken from the parties' prior pleadings, with the exception of the cases of Mr. Conard, Mr. Gieringer, and Mr. Riley.

² Petitioner captioned this as "Atty Fee Letter date" and undersigned counsel assumes he is referring to the date the Summary of the Case (relating to payment of the fee) was issued.

³ Respondent corrected this amount in the Response to Petitioner's Amended Petition (Resp. Am.). See Resp. Am. at 2.

⁴ This is listed as paid, and the payment date is given, in Am. Pet. See Am. Pet. at 4.

⁵ Petitioner does not allege that he was not paid the amount owed so the Secretary is using the amounts listed in the Am. Pet. when it does list an amount. See Am. Pet. at 4.

Thatcher	5/29/20	\$12,286.38	8/23/20	\$12,286.38
Hanks	5/10/20	\$4,881.20	9/4/20	\$4,881.20
Barelle	6/22/20	\$4,390.27	9/4/20	\$4,390.27
Woodham	6/30/20	\$1,645.42	9/8/20	\$1,645.42
Drenning	4/15/20	\$26,446.80	9/10/20	\$26,446.80
McMurty	6/29/20	\$2,783.50	9/15/20	\$2,783.50
Yates	7/16/20	\$2,650.35	10/13/20	\$2,650.35
Mason	8/26/20	\$4,566.82	11/17/20	\$4,566.82
Sherwood	8/12/20	\$3,358.47	12/9/20	\$3,358.47
Conard	7/17/20	\$8,649.01	12/15/20	\$8,649.01
McMurty	9/10/20	\$357.90	11/18/20	\$340.00
Procopio	10/9/20	\$52,107.49	1/27/21	\$52,107.49
Conard	11/24/20	\$885.97	6/8/21	\$841.67
Solis	12/1/20	\$3,256.25	2/3/21	\$3,256.25

Am. Pet.: Cases listed as needing an attorney fee letter

Veteran	Decision Date⁶	Fee	Payment Date	Paid
Harper	2/4/20 (3/30/20) ⁷	Denied	n/a	Denied
O'Dell	3/12/20 (4/20/21) ⁸	Denied	n/a	Denied
Gieringer	3/11/20 (4/20/21) ⁹	\$3,608.29	6/24/21	\$3,508.29
Bernard	4/17/20 (4/20/21) ¹⁰	Denied	n/a	Denied
Riley	7/14/20 (3/8/21) ¹¹	\$4,909.33	7/8/21	\$4,809.33

⁶ Petitioner captioned this as "Decision Date" and undersigned counsel presumes he is referring to the date of the decision in the underlying claim, not the date the Summary of the Case (relating to payment of the fee) was issued.

⁷ This is the date of the Summary of the Case.

⁸ This is the date of the Summary of the Case.

⁹ This is the date of the Summary of the Case.

¹⁰ This is the date of the Summary of the Case.

¹¹ This is the date of the Summary of the Case.