

**MOTION GRANTED**

nunc pro tunc to

November 9, 2023



Scott J. Laurer  
Judge

November 14, 2023

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

**VETERANS LEGAL ADVOCACY  
GROUP,**

Petitioner,

v.

**DENIS MCDONOUGH,**  
Secretary of Veterans Affairs,

Respondent.

Vet.App. No. 20-8291

**RESPONDENT'S UNOPPOSED MOTION FOR AN EXTENSION OF  
TIME TO RESPOND TO PETITIONER'S APPLICATION FOR  
ATTORNEYS' FEES UNDER EAJA UNTIL DECEMBER 11, 2023**

Pursuant to U.S. Vet. App. R. 26(b), Respondent, Denis McDonough, Secretary of Veterans Affairs, respectfully moves the Court for a 30-day extension of time within which to respond to Petitioner's Application for Attorneys' Fees Under EAJA. If not for this motion, the Secretary's response would be due on November 19, 2023.

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. Petitioner 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 Petitioner for any inconvenience caused by the delay in filing the Secretary's response. However, in view of the

aforesaid circumstances, an extension of 30 days, until December 11, 2022, is requested.

**WHEREFORE,** Respondent Denis McDonough, Secretary of Veterans Affairs, respectfully moves the Court for an extension of time to file a response to Petitioner's Application for Attorney's fees, until December 11, 2023.

Respectfully submitted,

**RICHARD J. HIPOLIT**  
Deputy General Counsel of  
Veterans Programs

**MARY ANN FLYNN**  
Chief Counsel

/s/ Melissa A. Timbers  
**MELISSA A. TIMBERS**  
Deputy Chief Counsel  
Office of General Counsel (027P)  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420  
(202) 632-4712