

EXHIBIT B

Attorney Time, Costs and Other Expenses
 For *Taylor v. McDonough*, For Work Performed by
Mark B. Jones (Mark B. Jones Attorney at Law)
 Before the Federal Circuit in Fed. Cir. No. 2019-2211
 Before the U.S. Court of Appeals For Veterans Claims CVA Docket No. 17-2390

Year Work Performed 2017:

<u>Date</u>	<u>Activity</u>	<u>Hours</u>	<u>Costs</u>
02/12/17	Review letter from BVA dated 02/03/17 advising case has been returned to the BVA.	.2	
04/28/17	Review BVA Decision dated 04/14/17.	.8	
05/25/17	Initial legal research on case law.	5.0	
07/25/17	Prepare and file Notice of Appearance.	.4	
07/25/17	Filing Fee Expense to CVA.		\$50
07/25/17	Cover letter to CVA with required information, along with check.	.2	
07/31/17	Read and Respond to CVA notice of docketing.	.2	
08/08/17	Execute new fee agreement with client.	.2	
08/09/17	Prepare/File Notice of Appearance - CVA.	.2	
08/18/17	Review correspondence from the CVA about appeal and records requests.	.3	
09/13/17	Meet with client to sign Consent to Release Information and file same.	.8	
09/14/17	Continued legal research of case law re: Summary of Issues.	2.5	
10/20/17	Review email from CVA counsel regarding filing of Appellant's Amended Summary of Issues.	.3	
10/25/17	Review letter from Department of the Army regarding U.S. Army chemical or biological substance testing from 1922 to 1975.	1.0	
11/07/17	Read and Review Email from Court regarding Telephone Briefing Conference Scheduled December 5, 2017.	.3	
11/30/17	Respond to available dates for scheduling conference.	.3	
11/30/17	Prepare Appellant's Amended Summary of Issues, File same.	1.6	

12/01/17	Review email regarding reschedule of pre-trial conference to 01/19/18. Directions to file Motion to do so before 12/05/17.	.5	
12/04/17	Prepare and file Motion to reschedule conference to 01/09/2018.	.5	

2017 Hours:	14.3
2017 EAJA Rate:	196.79
2017 EAJA Fees:	\$2,814.90
2017 Costs:	\$50

Total attorney's fees and expenses 2017: \$2,864.90

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Year Work Performed 2018:

<u>Date</u>	<u>Activity</u>	<u>Hours</u>
01/12/18	Prepare and file Rule 33 Certificate of Service.	.5
01/12/18	Prepare and file unopposed Motion to reschedule Rule 33 conference.	.5
01/13/18	Prepare brief with updated case law search.	8.0
01/17/18	Review Order granting and rescheduling Rule 33 hearing.	.2
01/17/18	Rule 33 conference held.	.5
02/01/18	Continued work on Appellant's brief.	3.6
02/13/18	File Appellant's Brief.	.4
04/11/18	Review Appellee's Motion to extend time to file brief.	.2
04/12/18	Review order granting extension to file appeal.	.2
05/31/18	Review Appellee's brief.	4.5
11/28/18	Review Order assigning case to panel.	.2
12/04/18	Review Order setting oral argument on February 7, 2019.	.3
12/10/18	Prepare and file Joint Motion to Reschedule Oral Argument.	.5
12/12/18	Review Order granting rescheduling of oral argument.	.2
12/18/18	Review Order setting oral argument on March 7, 2019.	.3

2018 Hours:	20.1
2018 EAJA Rate:	\$201.60
2018 EAJA Fees:	\$4,052.16
2018 Costs:	\$0

Total attorney's fees and expenses 2018: \$4,052.16

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Year Work Performed 2019:

<u>Date</u>	<u>Activity</u>	<u>Hours</u>	<u>Costs</u>
01/11/19	Review Order directing parties to be prepared to argue specific issues set forth in the Order at oral argument.	.5	
01/18/19	Review Order vacating original hearing date and resetting oral argument to March 6, 2019.	.3	
01/23/19	Review and research Appellee's disclosure of supplemental authority (Case law).	.7	
03/05/19	Travel from Cocolalla, Idaho to Spokane Airport-Travel Time to Washington, DC, to argue case.	9.0	
03/05/19	Travel costs to hearing including airfare.		\$444.80
03/06/19	Prepare for and argue case before the CVA.	4.0	
03/12/19	Travel time from Washington DC to Spokane, WA, then Cocolalla, Idaho, return trip after family vacation.	9.0	
04/05/19	Review the decision of the three panel court.	1.0	
06/28/19	Prior call to Kenneth Carpenter about helping with appeal to U.S. Court of Appeals to Federal Circuit. Meeting with veteran. Phone call between parties over several weeks.	2.0	
06/28/19	Review Carpenter Notice of Appearance as co-counsel.	.2	
06/28/19	Review Notice of Appearance U.S. Court of Appeals to Federal Circuit	.2	
07/01/19	Review letter from the Court re: \$500 filing Fee.	.3	
07/01/19	Filing Fee Cost.		\$500

2019 Hours: 27.2
 2019 EAJA Rate: \$205.25
 2019 EAJA Fees: \$5,582.80

2019 Costs: \$944.80

Total attorney's fees and expenses 2019: \$6,527.60

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Year Work Performed: 2021

<u>Date</u>	<u>Activity</u>	<u>Hours</u>
07/26/21	Zoom meeting at office with veteran and proposed new counsel.	2.0
07/28/21	Meeting with clients re: Williams and Connolly.	1.3
07/28/21	Three way emails re: substitution of counsel and process.	.4
07/29/21	Review documents: Engagement Agreement.	1.8
07/29/21	Three way email with client and new counsel re: substitution of counsel. Read engagement letter.	.6
07/30/21	Read and respond to co-counsel email re: substitution of Counsel.	.3
07/30/21	Read and respond to co-counsel email re: email to existing counsel and substitution of counsel.	.5
07/30/21	Read and respond to co-counsel email re: substitution of counsel.	.3
08/04/21	Read and respond to co-counsel email re: substitution of counsel.	.3
08/06/21	Read and respond to co-counsel email re: request by new counsel for administrative record with response.	.7
08/24/21	Read and respond to co-counsel email re: veteran health status.	.3
08/25/21	Read and review NOA for new counsel. Respond to email.	.5
09/01/21	Read and respond to co-counsel email re: veteran's address.	.3
09/15/21	Read and respond to co-counsel email re: draft brief.	.3
09/24/21	Read and respond to co-counsel email re: equitable estoppel and related issues.	.3
10/01/21	Read and respond to co-counsel email re: amicus Curiae brief.	.3
11/12/21	Phone conference with veteran re: VA brief.	.8
11/30/21	Read our proposed reply brief draft.	1.2
12/01/21	Read and respond to co-counsel email re: February 2022 oral argument.	.3

2021 Hours:	12.5
2021 EAJA Rate:	\$217.54
2021 EAJA Fees:	\$2,719.25
2021 Costs:	\$0

Total attorney's fees and expenses 2021: \$2,719.25

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Year Work Performed: 2022

<u>Date</u>	<u>Activity</u>	<u>Hours</u>
01/27/22	Read and respond to co-counsel email re: possible appeal to USSC.	.3
02/09/22	Read and respond to co-counsel email re: 2006 secrecy agreement release. Also oral argument tomorrow.	.4
02/10/22	Participate (monitor) in oral argument.	1.7
02/11/22	Read and respond to co-counsel email re: 2006 secrecy release.	.3
02/25/22	Read and respond to co-counsel re: USSC action in Arellano case.	.3
05/21/22	Read co-counsel amicus curaie brief in Arellano.	.3
07/19/22	Read Government's replay brief in Arellano USSC case.	.4
08/17/22	Read reply brief in Arellano case which caused stay on our case and is at USSC.	.4
09/19/22	Email to co-counsel about case status.	.2
09/29/22	Read email to co-counsel re: USSC case argument.	.2
10/05/22	Email to co-counsel re: case status.	.2

2022 Hours: 4.7
 2022 EAJA Rate: \$234.95
 2022 EAJA Fees: \$1,104.26
 2022 Costs: \$0

Total attorney's fees and expenses 2022: \$1,104.26

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Year Work Performed: 2023

<u>Date</u>	<u>Activity</u>	<u>Hours</u>
01/26/23	Email to co-counsel re: status of case.	.2
02/13/23	Read and respond to co-counsel email re: status report.	.3
02/17/23	Read and respond to co-counsel email regarding Government status report to Court.	.5
02/20/23	Read and respond to co-counsel email re: Status report.	.3
02/21/23	Read and respond to email from co-counsel re: Appellant's status report.	.6
03/01/23	Read and respond to co-counsel email re: briefing and argument.	.4
03/02/23	Read and review stay on case imposed by USSC.	.4
03/13/23	Read and email co-counsel - re: Supplemental Brief.	1.0
03/15/23	Read and respond to co-counsel email re: Government brief.	.3
03/21/23	Read Appellant response filed with Court.	1.0
04/04/23	Government response to requested briefing dated 03/29/23.	1.0
06/13/23	Email to co-counsel re: possible decision date.	.3
06/15/23	Read Decision by U.S. Court of Appeals to Federal Circuit.	1.0
06/15/23	Phone calls to client about decision.	.6
06/21/23	Read and respond to co-counsel re: EAJA Fees.	.2
07/07/23	Review documents - Government response to cost bill.	.2
07/07/23	Phone conference with OGC re: possible appeals.	.5
08/07/23	Review Cost mandate.	.2

2023 Hours: 9.0
 2023 EAJA Rate: \$242.78
 2023 EAJA Fees: \$2,185.02

2023 Costs: \$0

Total attorney's fees and expenses 2023: \$2,185.02

Attorney Time, Costs, and Other Expenses
 For *Taylor v. McDonough*, For Work Performed by
Kenneth M. Carpenter (Carpenter, Chartered)
 Before the Federal Circuit in Fed. Cir. No. 19-2211

<u>Date</u>	<u>Activity</u>	<u>Hours</u>
5/23/19	Agreed to accepted appeal to the Fed Circuit. Prepared letter to Mark Jones, referring atty with pro bono representation agreement and declaration for leave to proceed <i>in forma pauperis</i> form for Mr. Taylor to complete or submit the filing fee of \$500. Also asked Mark for Mr. Taylor's contact information.	1.00
6/28/19	Prepared and file CAVC Entry of Appearance for purposes of an appeal to the Fed Circuit and filed notice of appeal to Fed Circuit.	1.00
7/10/19	Reviewed pleadings before the Veterans Court.	4.00
8/8/19	Received and reviewed notice dated 8/1/19 from clerk CAVC filed on 7/30/19; received and reviewed notice of Docketing from Federal Circuit dated 7/30/19 and notice dated 7/30/19 of docketing of Case number 19-2211 at the Federal Circuit and notice of due date for opening brief due by 9/30/19. Filed KMC Fed Circuit Entry of Appearance and Certificate of Interest.	1.00
10/14/19	Prepared for brief by research applicable law and drafted issue and statement of the case	4.00
10/16/19	Prepared first draft of Argument.	4.00
10/18/19	Completed initial draft of Argument	4.00
10/23/19	Reviewed and edited completed argument	4.00
10/24/19	Completed additional revisions to draft of brief	4.00
10/30/19	Finalized brief for filing; cc: DOJ and client	2.00
1/3/20	Received and reviewed Appellee's Brief f. 12/19/16.	2.50
1/27/20	First draft of reply brief prepared.	4.00
1/28/20	Completed first draft of reply brief	4.00
1/30/20	Reworked initial draft	2.50
1/31/20	Worked on refining arguments.	2.50
2/3/20	Completed initial draft of reply brief.	4.00
2/5/20	Made further edits to reply brief.	3.00
2/12/20	Made additional edits to reply brief.	1.00

2/13/20	Made final edits.	1.00
2/28/20	Filed Reply Brief 5/12/21.	n/c
5/27/20	Preparation for oral argument.	4.00
5/29/20	Preparation for oral argument.	4.00
6/3/20	Prepared final outline for notes for oral argument.	4.00
6/4/20	Oral Argument Remotely at Federal Circuit.	4.00
7/2/20	Rec'd and reviewed June 30, 2020 Opinion which reversed and remanded.	1.00
10/24/23	Prepared time sheet for EAJA application.	<u>.50</u>
	Total Hours	63.00

63 hours x \$ 197.50 per hour

According to the U.S. Department of Labor Bureau of Labor Statistics, the National Consumer Price Index for all Urban Consumers in the Midwest Region, as of March 29, 1996, the base year CPI-U was 151.7; as of October 2019 it was 239.243, a .58% increase. Applying this increase to the \$ 125.00 hourly rate provided by the Equal Access to Justice Act, the then current hourly rate would have been \$ 197.50.

Attorney Fee Requested: \$ 12,442.50

No Expenses

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For *Taylor v. McDonough*, For Work Performed by
Anna J. Hrom (Williams & Connolly LLP)
Before the Federal Circuit in Fed. Cir. No. 19-2211

Date	Activity	To Bill Hours
8/19/2021	Research for appellate brief.	0.70
8/20/2021	Research and draft outline.	7.70
9/6/2021	Draft brief.	8.60
9/7/2021	Draft brief.	1.80
9/11/2021	Revise en banc brief.	7.40
9/15/2021	Revise appellate brief.	1.20
11/22/2021	Draft reply brief.	3.50
11/23/2021	Draft reply brief.	2.50
3/2/2023	Draft supplemental brief.	0.50
3/6/2023	Research and draft supplemental brief.	0.50
3/7/2023	Research and draft supplemental brief.	1.50
3/8/2023	Draft supplemental brief.	6.70
3/9/2023	Draft/revise supplemental brief.	3.60
3/10/2023	Draft/revise supplemental brief.	3.40
Total Hours		49.60

49.6 hours x \$224.50 per hour (using CPI-U (District of Columbia)) for July 2021
= \$11,135.20

Attorney Fee Requested = **\$11,135.20**

Attorney Time, Costs, and Other Expenses
 For *Taylor v. McDonough*, For Work Performed by
C. Luke McCloud (Williams & Connolly LLP)
 Before the Federal Circuit in Fed. Cir. No. 19-2211

Date	Activity	To Bill Hours
9/8/2021	Edited en banc brief.	3.90
9/9/2021	Edited en banc brief.	4.10
9/10/2021	Edited en banc brief.	0.30
9/12/2021	Edited en banc brief.	4.90
9/15/2021	Edited brief.	3.30
9/18/2021	Edited brief.	2.70
11/19/2021	Edited reply in support of en banc brief.	2.30
11/29/2021	Edited en banc reply brief.	2.00
12/4/2021	Edited en banc reply brief.	1.10
1/21/2022	Reviewed briefs in preparation for oral argument.	2.10
1/23/2022	Reviewed briefs and cited cases in preparation for oral argument.	2.50
1/24/2022	Prepared for oral argument.	2.90
1/25/2022	Prepared for oral argument.	3.80
1/26/2022	Prepared for oral argument.	2.80
1/27/2022	Prepared for oral argument.	3.30
1/28/2022	Prepared for oral argument.	4.20
1/30/2022	Prepared for oral argument.	4.50
1/31/2022	Prepared for oral argument.	3.10
2/1/2022	Prepared for oral argument.	3.10
2/2/2022	Prepared for oral argument.	0.80
2/3/2022	Prepared for oral argument.	1.60
2/8/2022	Prepared for oral argument.	4.10
2/9/2022	Prepared for oral argument.	5.90
2/10/2022	Participated in oral argument.	1.00
Total Hours		70.30

70.3 hours x \$224.50 per hour (using CPI-U (District of Columbia)) for July 2021
 = \$15,782.35

Attorney Fee Requested = **\$15,782.35**

Attorney Time, Costs, and Other Expenses
 For *Taylor v. McDonough*, For Work Performed by
Liam J. Montgomery (Williams & Connolly LLP)
 Before the Federal Circuit in Fed. Cir. No. 19-2211

Date	Activity	To Bill Hours
9/13/2021	Review and revise appellate brief.	3.10
9/16/2021	Edit appellate brief.	2.70
9/19/2021	Revise draft brief.	2.40
11/18/2021	Review draft reply brief.	0.90
11/19/2021	Revise draft reply brief.	1.20
11/23/2021	Edit reply brief.	1.50
11/24/2021	Revise draft reply brief.	3.00
3/10/2023	Revise draft Federal Circuit brief.	2.70
3/13/2023	Revise draft brief.	1.00
3/14/2023	Final review of draft brief.	1.00
Total Hours		19.50

19.5 hours x \$224.50 per hour (using CPI-U (District of Columbia)) for July 2021
 = \$ 4,377.75

Attorney Fee Requested = \$ **4,377.75**

Attorney Time, Costs, and Other Expenses
 For *Taylor v. McDonough*, For Work Performed by
Timothy M. Pellegrino (Williams & Connolly LLP)
 Before the Federal Circuit in Fed. Cir. No. 19-2211

Date	Activity	To Bill Hours
8/12/2021	Worked on appellate brief outline.	1.40
8/16/2021	Worked on en banc brief outline.	2.90
8/19/2021	Worked on appellate brief outline.	2.70
8/20/2021	Worked on appellate brief outline.	3.60
8/29/2021	Drafted en banc brief.	0.80
8/30/2021	Worked on en banc brief draft.	1.00
8/31/2021	Worked on en banc brief draft.	2.00
9/1/2021	Drafted en banc brief.	2.00
9/2/2021	Drafted en banc brief.	1.00
9/4/2021	Drafted en banc brief.	1.00
9/5/2021	Drafted en banc brief.	2.20
9/6/2021	Drafted en banc brief.	2.50
11/11/2021	Worked on reply brief.	0.90
11/12/2021	Worked on reply brief.	2.40
11/15/2021	Worked on reply brief.	5.80
11/16/2021	Worked on reply brief.	3.00
11/17/2021	Worked on reply brief.	1.50
11/21/2021	Worked on reply brief.	2.40
11/22/2021	Worked on reply brief.	1.40
11/28/2021	Worked on reply brief.	1.20
11/29/2021	Worked on reply brief.	4.20
11/30/2021	Worked on reply brief.	1.00
12/3/2021	Worked on reply brief.	3.10
12/4/2021	Worked on reply brief.	3.90
12/5/2021	Worked on reply brief.	1.20
3/9/2023	Worked on supplemental brief.	1.00
Total Hours		56.10

56.1 hours x \$224.50 per hour (using CPI-U (District of Columbia)) for July 2021
 = \$12,594.45

Attorney Fee Requested = **\$12,594.45**

CERTIFICATION

Pursuant to U.S. Vet. App. R. 39(f), I certify that I have (1) reviewed the foregoing combined billing statement and am satisfied that it accurately reflects the work performed by all representatives, and (2) have considered and eliminated all time that is excessive or redundant.

Dated: December 20, 2023

Respectfully submitted,

/s/ Liam J. Montgomery

Mark B. Jones

MARK B. JONES ATTORNEY AT LAW

1203 Michigan Street

Sandpoint, Idaho 83864

Phone: (208) 263-0886

E-mail: thessaguy@hotmail.com

Kenneth M. Carpenter

CARPENTER, CHARTERED

1525 Southwest Topeka Boulevard

Post Office Box 2099

Topeka, Kansas 66601

Phone: (785) 357-5251

E-mail: carpgh@mindspring.com

Liam J. Montgomery

WILLIAMS & CONNOLLY LLP

680 Maine Avenue, S.W.

Washington, D.C. 20024

Phone: (202) 434-5030

Fax: (202) 434-5029

E-mail: lmontgomery@wc.com

Counsel for Appellant Bruce R. Taylor