

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

JUSTINIANO DELRIO

Appellant,

V.

CAVC No. 17-4220

EAJA

ROBERT L. WILKIE,

SECRETARY OF

VETERANS AFFAIRS,

Appellee

**JOINT MOTION TO DISMISS DISPUTE FOR APPELLANT'S
APPLICATION FOR AN AWARD OF REASONABLE ATTORNEY FEES
AND EXPENSES**

Appellant and Appellee move this Court under Rules 27(a) and 42 to dismiss this matter. The parties have agreed to settle the attorney fee dispute and have entered into a stipulated agreement between the parties settling Appellant's application for award of reasonable attorney fees and expenses (agreement).

The agreement provides for the release of the claims of Appellant in exchange for the total payment of \$15,750.00. The parties have agreed that this amount represents full and complete compensation for all fees and expenses incurred by Appellant for the litigation of this action, including fees and expenses sought for the litigation of Appellant's Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, application. The parties believe the agreement is fair, reasonable, and adequate under the circumstances and that their interests are better served if the claims against the Secretary are resolved through settlement rather than litigation.

The parties acknowledge that they enter into the agreement solely for the purpose of resolving Appellant's application for fees and expenses without further litigation and will not be deemed an admission of liability or a concession by either party.

In view of the foregoing, Appellant and Appellee move the Court to issue an order dismissing the pending dispute for the application.

Respectfully submitted,

FOR APPELLANT:

/s/ Zachary M. Stolz

CHISHOLM CHISHOLM & KILPATRICK

321 S Main St #200

Providence, Rhode Island 02903

(401) 331-6300

Fax: (401) 421-3185

FOR APPELLEE:

WILLIAM A. HUDSON, JR.

Principal Deputy General Counsel

MARY ANN FLYNN

Chief Counsel

/s/ Christopher W. Wallace

CHRISTOPHER W. WALLACE

Deputy Chief Counsel

/s/ Brandon T. Callahan

BRANDON T. CALLAHAN

Senior Appellate Attorney

U.S. Department of Veterans Affairs

Office of General Counsel (027B)

810 Vermont Avenue, N.W.

Washington, D.C. 20420

(202) 632-7141

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