

Exhibit A

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----- Original Message -----

Subject: RE: [EXTERNAL] RE: position on extension to respond to your
EAJA

From: "Schneider, Robert A. (OGC)" <Robert.Schneider2@va.gov>

Date: Fri, June 12, 2020 10:12 am

To: "tgoffney@attorney4vets.com" <tgoffney@attorney4vets.com>



Good morning Tara – I hope you and your family are doing as well as possible given the circumstances. I'm not sure if you are still in Texas and/or working at all but I wanted to send you a quick email to ID the two primary issues that my supervisor has concerns about.

As an initial matter, given the realities globally/nationally, and particularly given your family's recent loss, drafting this email is something I wish I could continue to put off – contesting EAJAs seem less important, particularly given that ~ \$24,000 is not per se unreasonable for a case with an oral argument. However, unless we stay the case (which I presume is something neither of us wants to do), I only have a month left to respond to your application and unfortunately I need to first determine what needs to be filed (a no-contest negotiated response or a response contesting the amount sought).

This is a bit of an odd circumstance as I was not involved in this case until after the oral argument. Accordingly, I cannot speak to some of the specifics of the case. I look at my job in this instance as, ideally, to find a number that both you and Nicole/Mary can accept and file a negotiated EAJA response expeditiously to end this matter.

Ultimately there is an expense issue and a general reasonableness issue that I could see being a problem in getting Nicole/Mary to OK this EAJA without something more than a nominal decrease. Regarding the former, I have already had pushback as to the amount spent at the Watergate, both on a nightly rate and meals. This ended up being a good deal more than the government rate as well as charges previously billed for hotel stays both by you and other attorneys travelling in for arguments.

Regarding the latter, my review of the office file in this case and discussions with Nicole reflects that VA offered a remand at the January 2018 briefing conference and that offer was rejected. Ultimately, the Court, in its February 2020 MemDec agreed with VA that remand was the appropriate remedy; therefore, I suspect we would also challenge the reasonableness of the application as a whole given that the majority of charges fall between January 2018→February 2020.

All that being said, I am fairly confident that I can convince my supervisors that we should not contest if you can come down somewhat – is there an amount that you would be ok with? Unfortunately, anything less than \$2,000 might be a tough sell from my end, but I'm happy to try first with whatever, if anything, works for you.

Thanks in advance and, again, I sincerely hope you and your family are well.

Robert Schneider, Esq.
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