

IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

LAW OFFICE OF JOHN B WELLS	*	NO. 20-5221
Petitioner,	*	
	•	
vs.	*	
	•	
ROBERT L. WILKIE, Secretary of	*	
Veterans Affairs	*	
Respondent	*	
	•	

MOTION FOR LEAVE TO SUPPLEMENT THE RECORD

NOW COMES Before this honorable Court, Petitioner the Law Office of John B. Wells, who, pursuant to Rule 27, moves for Leave to Supplement the Record.

Good cause exists for filing this Motion. After rushing to catch up on unpaid attorney fees prior to oral argument, Respondent again let payments slide. The Court should consider that the dilatory effects are not a one-time problem caused by a temporary backlog, but an established pattern of dawdling.

Three of the 2021 delinquencies are greater than 150 days. One additional delinquency is greater than 120 days. Other fees that accrued in 2022 are also delinquent.

Although Respondent has argued that the case is moot, it is obvious that this case is not moot because the issues are capable of repetition. *Monk v. Shulkin*, 855 F.3d 1312, 1317 (Fed. Cir. 2017) (a claim is not moot if it is capable of repetition and yet evades review). The repetition is plainly apparent given these additional claims for attorneys fees that have been approved but not paid.

Attached hereto is the status of unpaid 2021 claims for which attorney fee determination letters have been received during 2021, but have not been liquidated. Due to the temporary 150 day rule no claims with attorney fee letters dated in 2022 have been included.

Petitioner moves to attach this document and the attached attorney fee letters to the record of this case.

Counsel for the Secretary has been contacted and takes no position on this Motion but reserves the right to file an opposition.

WHEREFORE, Petitioner prays that the Court grant this Motion and direct the Clerk of Court to file the attached documents into the record.

Respectfully submitted,
//s// John B. Wells
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the within was served on the Court and the Secretary's Office of General Counsel via the Court's CM/ECF system this 3rd day of May 2022.

//s// John B. Wells
John B. Wells

Owed:	Atty fee letter	Amount	Deposit date	# days
Mc Murtry	9/23/21	4,957.76	2/5/2022	135
Klockars	11/9/21	18,488.58	2/11/2022	94
Weber	11/10/21	133,033.68		
Hammock	11/22/21	57,520.76		
Blanchard	11/22/21	2,327.80		
Mason	12/8/21	3,014.93		
Hammock	12/16/21	3,266.90	2/26/22	72