

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 19-1081(Lead) & 19-1083

National Veterans Legal Services Program, et al.

v.

United States

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent See Attachment "A"

Party is (select one) Appellant/Petitioner Cross-Appellant
 Appellee/Respondent Intervenor

Tribunal appealed from and Case No. U.S. District Court for the District of Columbia (No. 16-745)

Date of Judgment/Order Aug. 13, 2018 Type of Case Statutory challenge to government fee collection

Relief sought on appeal Partial affirmance and partial reversal

Relief awarded below (if damages, specify) None (interlocutory appeal).

Briefly describe the judgment/order appealed from Partial denial & partial grant of summary judgment on cross motions

This case is about the meaning of 28 U.S.C. § 1913 note; the court adopted neither party's position.

Nature of judgment (select one)

- Final Judgment, 28 USC 1295
- Rule 54(b)
- Interlocutory Order (specify type) Certified & accepted under 28 U.S.C. § 1292(b)
- Other (explain; see Fed. Cir. R. 28(a)(5)) _____

FORM 26. Docketing Statement

Form 26
Rev. 10/16

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued.
If none, please state none.

None

Brief statement of the issues to be raised on appeal

Whether PACER fees are charged "only to the extent necessary," as required by 28 U.S.C. 1913 note.

Have there been discussions with other parties relating to settlement of this case? Yes No If "yes," when were the last such discussions?

- Before the case was filed below?
- During the pendency of the case below?
- Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? Yes No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? Yes No

Please explain why you believe the case is or is not amenable to mediation.

The district court repeatedly suggested the parties mediate; plaintiffs agreed; the defendant refused.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

I certify that I filed this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this

15th day of November, 2018

by: ECF

(manner of service)

Deepak Gupta

Name of Counsel

/s/ Deepak Gupta

Signature of Counsel

Law Firm

Gupta Wessler PLLC

Address

1900 L Street NW, Suite 312

City, State, ZIP

Washington, DC 20036

Telephone Number

202-888-1741

FAX Number

202-888-7792

E-mail Address

deepak@guptawessler.com

Reset Fields

Attachment A

National Veterans Legal Services Program

National Consumer Law Center

Alliance for Justice