



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

December 9, 2020

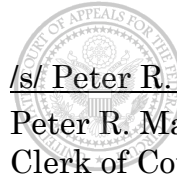
Notice of Emergency Amendment to Federal Circuit Rule 15(f)

Pursuant to 28 U.S.C. § 2071(e) and Federal Circuit Rule 47(b), the U.S. Court of Appeals for the Federal Circuit has issued an emergency amendment to Federal Circuit Rule 15(f). The amended rule goes into effect immediately on an interim basis and will become final on January 31, 2021, absent additional action by the court. The court's administrative order adopting the amendment follows.

Members of the public are invited to submit public comments to the Clerk of Court **on or before January 8, 2021**. Comments may be submitted by email to FederalCircuitRules@cafc.uscourts.gov or by mail to Proposed Rules Comments 2020, Clerk's Office, U.S. Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Washington, D.C. 20439.

All submitted comments must include the name and either a return email or mailing address for the submitter. Any submitted comments, including the name of the submitter, may be made available to the public unless a submitter specifically requests that either the submitter's name or comment not be released to the public.

FOR THE COURT


/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

United States Court of Appeals for the Federal Circuit

ORDER

Emergency Amendment to Federal Circuit Rule 15(f)

On December 8, 2020, this Court issued its en banc decision in *National Organization of Veterans' Advocates, Inc. et al., v. Secretary of Veterans Affairs*, No. 20-1321, holding “that Federal Circuit Rule 15(f), establishing a 60-day time limit for bringing section 502 petitions, is invalid.”

Accordingly, the court finds pursuant to 28 U.S.C. § 2071(e) and Federal Circuit Rule 47(b), that there is an immediate need for this Order amending the rules of this Court, effective upon entry of this Order.

IT IS ORDERED THAT:

- (1) Federal Circuit Rule 15(f) is amended on an emergency interim basis as follows:

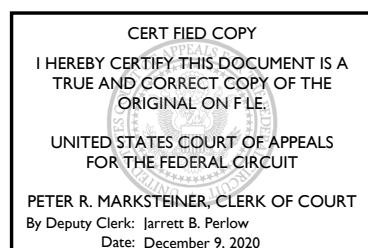
[Changes shown]

A petition for judicial review of an action of the Secretary of the Department of Veterans Affairs under 38 U.S.C. § 502 must be filed with the clerk of court within ~~sixty (60) days~~ **six (6) years** after issuance of the action challenged in the petition. *See* **28 U.S.C. § 2401(a)**.

[Changes incorporated]

A petition for judicial review of an action of the Secretary of the Department of Veterans Affairs under 38 U.S.C. § 502 must be filed with the clerk of court within six (6) years after issuance of the action challenged in the petition. *See* 28 U.S.C. § 2401(a).

Federal Circuit Rules Order No. 2021-01

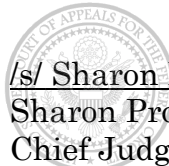


- (2) The Clerk of Court is directed to provide public notice and an opportunity to respond to this emergency amendment for thirty (30) days from the date of this Order. Absent subsequent action by the court, this emergency amendment will become final on January 31, 2021, with an updated version of the Federal Circuit Rules of Practice to follow.

FOR THE COURT

Dec. 9, 2020

Date

/s/ Sharon Prost

Sharon Prost
Chief Judge