

party objected to the Recommended Decision, which concluded with a notice to the parties that failure to object would waive their right to *de novo* review and appeal.

Notwithstanding that waiver, I have reviewed the Recommended Decision, together with the entire record, *de novo*, and considered all matters adjudicated therein. I concur with the Magistrate Judge's findings and recommendations as set forth in her Recommended Decision and determine that no further proceeding is necessary.

I pause to note, however, that Plaintiff's resort to judicial relief without any apparent meaningful engagement in settlement negotiations is inconsistent with the courts' general preference that issues involving attorney's fees be resolved by mutual agreement rather than through litigation. *See Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983). In this context, a plaintiff's refusal to *accept* a settlement offer in an amount slightly less than the eventual fee award does not preclude recovery of supplemental attorney's fees. *Stern v. Astrue*, No. 08-213-P-S, 2009 WL 4508412, at *1 (D. Me. Nov. 29, 2009) (rec. dec.), *aff'd*, 2009 WL 5174692 (D. Me. Dec. 18, 2009). But a party's refusal to *engage* in settlement negotiations is another matter. Plaintiffs and Defendants would do well to make some good-faith effort to explore the possibility of a settled outcome before turning to the courts to resolve fee disputes, *see Hensley*, 461 at 347, both for the sake of judicial economy and in service of all parties' best interests.

It is therefore **ORDERED** that the Magistrate Judge's Recommended Decision (ECF No. 27) is hereby **ACCEPTED**, and Plaintiff's motion (ECF No. 24) is

GRANTED as follows: supplemental attorney's fees are awarded in the amount of \$1,282.60.

SO ORDERED.

Dated this 3rd day of October, 2023.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE