

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MARY E. BAKEWELL,
Plaintiff,

07-CV-1295-BR

OPINION AND ORDER

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

TIM WILBORN
2020-C SW 8th Avenue, PMB #294
West Linn, Oregon 97068
(503) 697-7019

Attorney for Plaintiff

DWIGHT C. HOLTON
United States Attorney
ADRIAN L. BROWN
Assistant United States Attorney
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902
(503) 727-1003

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DAVID MORADO

Regional Chief Counsel

KATHRYN A. MILLER

Special Assistant United States Attorney

Social Security Administration

701 5th Avenue, Suite 2900 M/S 901

Seattle, WA 98104-7075

(206) 615-2240

Attorneys for Defendant

BROWN, Judge.

This matter comes before the Court on Plaintiff Mary E. Bakewell's Supplemental Application (#38) for Fees and Expenses Pursuant to the Equal Access to Justice Act (EAJA) in which she seeks \$1,285.59 in supplemental attorneys' fees for time spent litigating Plaintiff's entitlement to EAJA fees. For the reasons that follow, the Court **GRANTS** Plaintiff's request for **\$1,285.59** in supplemental attorneys' fees pursuant to the EAJA.

On September 8, 2010, the Court issued an Opinion and Order (#37) in which the Court granted in part and denied in part Plaintiff's Application (#26) for Fees Pursuant to the EAJA and found Plaintiff was entitled to \$12,437.46 in attorneys' fees and \$69.62 in costs. Plaintiff now requests an additional \$1,285.59 in attorneys' fees for time spent on successfully litigating that award of attorneys' fees and costs. See *Comm'r, I.N.S. v. Jean*, 496 U.S. 154, 162-66 (1990)(when a plaintiff successfully litigates a request for attorneys' fees and costs, EAJA provides

for same when reasonable). On December 20, 2010, Defendant filed a Response to Plaintiff's request in which the Commissioner does not oppose Plaintiff's requested supplemental attorneys' fees.

The Court has reviewed Plaintiff's supplemental application, her Memorandum in support, and the time sheets submitted by Plaintiff's counsel for the time he spent to secure the Court's earlier award of attorneys' fees and costs. In light of the Court's Opinion and Order issued on September 8, 2010, the Court concludes Plaintiff's request is reasonable under these circumstances.

CONCLUSION

For these reasons, the Court **GRANTS** Plaintiff's Supplemental Application (#38) for Fees and Expenses Pursuant to the Equal Access to Justice Act for **\$1,285.59** in attorneys' fees.

IT IS SO ORDERED.

DATED this 3rd day of January, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District