

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM ANDREW SPEIR,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

CASE NO. 3:12-cv-328-TFM
[wo]

ORDER

Pending before this Court is Plaintiff Counsel’s Motion for Attorney Fees (Doc. 28) filed April 21, 2015, wherein she seeks \$8,520.00 in attorney fees under the 42 U.S.C. § 406(b). Fees under this provision are awarded from claimant’s past due benefits, are capped at 25 percent of the total of the past-due benefits and are based upon a contract between Plaintiff and Plaintiff’s counsel and must be reasonable. Upon review of the invoice submitted by Plaintiff’s counsel, the Court determined that the “rates set for the litigation support staff . . . [were] not reasonable.” (Doc. 36). Thereafter, Plaintiff submitted a revised bill for services in the amount of \$2,462.00. Although the Court continues to have concerns about the number of support staff billing time to this matter, the Court finds that the overall amount for services sought is reasonable.

The Court notes, however, that Plaintiff’s Counsel represented in her Motion for Fees that the Motion was supported by her affidavit and an “affidavit of plaintiff”. (Doc. 28) However, neither of these affidavits have ever been filed with the Court. Accordingly, it is

ORDERED that Plaintiff’s Motion for Attorney Fee be and hereby is DENIED with leave

to refile subject to Plaintiff counsel's filing with the Court the above affidavits demonstrating the fee agreement between Plaintiff and Plaintiff's counsel.

DONE this 30th day of March, 2016.

/s/ Terry F. Moorner
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE