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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF ARIZONA

7 Peggy A. Petri,

No. CV-10-02477-PHX-JAT

8
9 Plaintiff,

ORDER

10 v.

11 Carolyn W. Colvin, acting Commissioner
12 of Social Security,

13 Defendant.
14

15 Pending before the Court is Plaintiff's Attorney's Amended Motion for an Award
16 of Attorneys' Fees under 42 U.S.C. §406(b) (Doc. 36). The Court now rules on the
17 Motion.

18 Plaintiff's counsel seeks \$9,659.25 in attorney's fees pursuant to 42 U.S.C. §
19 406(b). Section 406(b) provides that, whenever the Court renders a favorable judgment
20 to a social security claimant, the Court may award reasonable attorneys' fees for
21 representation of the claimant. 42 U.S.C. § 406(b)(1)(A). The reasonable fee cannot
22 exceed twenty-five percent of the total past-due benefits awarded to the claimant. *Id.*
23 The fee is payable out of, and not in addition to, the amount of the past-due benefits. *Id.*

24 Section 406(b) "does not displace contingent-fee agreements as the primary means
25 by which fees are set for successfully representing" social security claimants in court.
26 *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002).

27 Plaintiff and her counsel had a contingent-fee agreement in this case typical of fee
28 agreements in disability benefits cases. The contingent-fee agreement provides that

1 Plaintiff's counsel's fee shall equal twenty-five percent of all past-due benefits awarded
2 to Plaintiff and any other individuals entitled to benefits by reason of the award to
3 Plaintiff. (Doc. 38-1). Twenty-five percent of the total amount of past-due benefits
4 awarded to Plaintiff and others as a result of the Judgment in her favor is \$9,659.25.
5 Plaintiff's counsel therefore seeks an award of attorneys' fees in the amount of \$9,659.25.
6 The Commissioner does not object to this amount.

7 Because the Court finds the contingent fee in this case is reasonable, the Court will
8 award Plaintiff's counsel attorneys' fees in the amount of \$9,659.25 pursuant to 42
9 U.S.C. § 406(b).

10 Based on the foregoing,

11 **IT IS ORDERED** that Plaintiff's Attorney's Amended Motion for an Award of
12 Attorneys' Fees under 42 U.S.C. §406(b) (Doc. 36) is granted in the amount of
13 \$9,659.25.

14 Dated this 19th day of September, 2013.

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James A. Teilborg
Senior United States District Judge