

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

TOMMY EDWARD CRUM, JR.

PLAINTIFF

V.

NO. 3:16-CV-00004-JTR

NANCY A. BERRYHILL,  
Acting Commissioner,  
Social Security Administration<sup>1</sup>

DEFENDANT

**AMENDED ORDER**<sup>2</sup>

Pending before the Court is Plaintiff's motion requesting an award of attorney's fees and expenses under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.<sup>3</sup> *Doc. 18*. The Commissioner has filed a Response. *Doc. 22*.

Also pending is Defendant's motion for substitution of counsel. *Doc. 21*.

Plaintiff's attorney, Stephanie Bartels Wallace, requests a total payment of \$5,012.12, consisting of: (1) .50 hours of attorney work in 2015 at the adjusted hourly rate of \$191.00 (\$95.50); (2) 23.35 hours of attorney work in 2016 at the adjusted hourly rate of \$193.00 (\$4,506.55); (3) 5.20 hours of paralegal work at the

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner and, pursuant to Fed. R. Civ. P. 25(d), is automatically substituted as the Defendant.

<sup>2</sup> This Order amends the Order filed on March 10, 2017.

<sup>3</sup> On December 27, 2016, the Court entered an Order and Judgment reversing the Commissioner's decision and remanding this case for further administrative proceedings. *Docs. 16, 17*.

hourly rate of \$75.00 (\$390.00); and (4) \$20.07 in expenses. The Commissioner does not object to the requested amount.

The Court concludes that Plaintiff is entitled to an award of attorney's fees and expenses under the EAJA, and that the amount requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney's Fees and Expenses Pursuant to the EAJA, *Doc. 18*, is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is awarded \$5,012.12 in attorney's fees and expenses under the EAJA.<sup>4</sup>

IT IS FURTHER ORDERED THAT Defendant's Motion for Substitution of Counsel, *Doc. 21*, is GRANTED. The Clerk of the Court is directed to correct the Court records to add Jonathan R. Clark as attorney of record for Defendant, in substitution for Greg White.

DATED this 13<sup>th</sup> day of March 2017.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>4</sup> Consistent with the Commissioner's usual procedure in light of *Astrue v. Ratliff*, 560 U.S. 586 (2010), the check awarding EAJA fees should be made payable to Plaintiff, but mailed to the care of Plaintiff's attorney at the attorney's office.