

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL C. COOPER,  
Plaintiff,  
v.  
MICHAEL J. ASTRUE,  
Defendant.

Case No. [10-cv-04299-EMC](#) (MEJ)  
**ORDER FOR SUPPLEMENTAL  
BRIEFING**  
Re: Dkt. Nos. 31 & 37

Pending before the Court is the Motion for Attorney’s Fees pursuant to 28 U.S.C. § 406(b), filed by Steven Rosales, counsel for Plaintiff Michael Cooper. Dkt. Nos. 31 & 37. The Social Security Commissioner does not challenge the fee motion but provided an analysis of the fee request. Dkt. No. 32.

On December 16, 2014, the presiding judge, the Honorable Edward M. Chen, referred this motion to the undersigned for a Report and Recommendation pursuant to the Northern District of California’s Civil Local Rule 72-1. Dkt. No. 34. The undersigned subsequently ordered Plaintiff’s counsel to provide a detailed accounting of the \$92,954.00 past due benefits figure referenced in his motion. Dkt. No. 35. Plaintiff’s counsel responded by filing an amended motion and a supplemental declaration providing an accounting of how he calculated the past due benefits owed. Dkt. No. 36 (“Suppl. Rosales Decl.”); Dkt. No. 37 (“Am. Mot.”).

The undersigned requires supplemental briefing from both parties. Defendant shall respond to the following questions by March 20, 2015:

- 1) How does the Social Security Administration calculate the total past due benefits owed to Plaintiff and the “Lawyer’s Fees” in the Notice of Award? *See* Dkt. No. 31-3 at 5.
- 2) Why there is an approximately one year-long gap of time between the Notice of

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Decision, dated July 24, 2013, and the Notice of Award, issued on August 2, 2014?  
*Compare id.* at 1, 2, & 8 with Dkt. No. 31-2 at 1 & 9. How, if at all, does that time  
factor into the calculation of Plaintiff's past due benefits?

By March 27, 2015, Plaintiff shall file a response to Defendant's statement, addressing the  
questions above, as well as the following:

- 3) When did Plaintiff begin to receive disability benefits from the Social Security  
Administration?

Each party shall file a response of no longer than five pages, double-spaced, and may attach  
supporting declarations and exhibits.

**IT IS SO ORDERED.**

Dated: March 13, 2015



---

MARIA-ELENA JAMES  
United States Magistrate Judge