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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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JACK REINKE,

No. C-04-2279 RMW

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Plaintiff,

ORDER RE MOTION FOR ATTORNEY'S  
FEES UNDER 42 U.S.C. §406(b)

13

v.

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MICHAEL J. ASTRUE<sup>1</sup>,  
Commissioner, Social Security Administration,

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Defendant.

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Plaintiff filed a motion for an award of attorney's fees under 42 U.S.C. §406(b). Specifically, plaintiff's counsel seeks an award of \$8,000 in attorney's fees for successfully representing plaintiff in obtaining an award of \$83,909.50 in past-due benefits.

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<sup>1</sup> Michael J. Astrue became Commissioner of the Social Security Administration on February 1, 2007. Pursuant to Ruled 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue is hereby substituted for Jo Anne B. Barnhart as the Defendant in this matter.


ORDER 04-2279 RMW  
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1 Counsel has not, however, offered any evidence to establish the terms of the attorney-client fee  
2 agreement entered into at the outset of his representation.

3 Accordingly, plaintiff's counsel is directed to submit to the court a copy of the fee agreement  
4 entered into at the outset of the case, or if none exists, then a declaration to explain the terms of the  
5 fee agreement originally entered into between client and counsel at the outset of the case and to  
6 explain how such an agreement differs in any material respect from the written agreement executed  
7 on January 7, 2008 which has been submitted to the court.

8 Plaintiff's counsel shall file this supplemental evidence on or before January 29, 2010.

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10 DATE: 1/21/10

  
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RONALD M. WHYTE  
United States District Judge

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1 **Notice of this document has been sent to:**

2 **Counsel for Plaintiff:**

3 Terry LaPorte

4 terry@terrylaporte.com

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6 **Counsel for Defendant:**

7 **Nancy Marie Lisewski**

8 nancy.lisewski@ssa.gov

9

**Sara Winslow**

10 sara.winslow@usdoj.gov

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14 Date: 1/21/10

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Chambers of Judge Whyte

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