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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ARLEEN Y. QUIAMBAO,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 17-cv-02305-BAS-RBB

**ORDER GRANTING MOTION FOR
ATTORNEY’S FEES (ECF No. 17)**

After successfully representing a Social Security disability benefits claimant, Ms. Quiambao, in federal court, her counsel seeks attorney’s fees in the amount of \$10,000. (Mot. for Atty’s Fees, ECF No. 17.) The Government, in its role “resembling that of a trustee,” *see Gisbrecht v. Barnhart*, 535 U.S. 789, 798 n.6 (2002), takes no position with respect to the request. (ECF No. 19.) The Court agrees that the requested attorney’s fees are reasonable and **GRANTS** the request.


Counsel entered into a contingency agreement with Plaintiff whereby she agreed to pay 25% of past-due benefits awarded. (ECF No. 17-7.) After a successful appeal to this Court and remand to the Commissioner, Plaintiff was awarded past due benefits of \$84,601.00. (Mot. for Atty’s Fees Attachs. A and B.)

1 Under 42 U.S.C. §406(b)(1)(A), counsel for a successful claimant, appealing the
2 denial of Social Security disability benefits, may receive a fee if the Court determines the
3 fee requested is reasonable and “not in excess of twenty-five percent of the total of the past-
4 due benefits to which the claimant is entitled” by reason of such appeal. Generally, a Court
5 is required to credit a contingency fee agreement but may reduce the amount of the award
6 for substandard performance, delay, or benefits that are not proportionate to the time spent
7 on the case. *Crawford v. Astrue*, 586 F.3d 1142, 1151 (9th Cir. 2009). In this case, counsel
8 requests less than the 25% contingency fee and documents 56 hours expended in pursuing
9 the appeal in the federal district court. (ECF No. 17-4.)

10 The Court, therefore, finds that the requested attorney’s fees in the amount of
11 \$10,000 is reasonable and should not be reduced. The Motion for Attorney’s Fees in the
12 amount of \$10,000 (ECF No. 17) is **GRANTED**.

13 **IT IS SO ORDERED.**

14
15 **DATED: January 28, 2021**


Hon. Cynthia Bashant
United States District Judge