

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 09-cv-02079-REB

JAN E. MASSE, formerly known as  
Jan E. Sallinger,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of Social Security,

Defendant.

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**ORDER FOR ATTORNEY FEES UNDER 42 U.S.C. § 406(b)**

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**Blackburn, J.**

The matter is before me on the plaintiff's **Unopposed Motion For Attorney's Fees Under 42 U.S.C. § 406(b) Pursuant To Fed. R. Civ. P. 60(b)(6) [#23]**<sup>1</sup> filed November 7, 2011. After reviewing the motion and the file, I conclude that the motion should be granted.

**THEREFORE, IT IS ORDERED** as follows:

1. That plaintiff's **Unopposed Motion For Attorney's Fees Under 42 U.S.C. § 406(b) Pursuant To Fed. R. Civ. P. 60(b)(6) [#23]** filed November 7, 2011, is **GRANTED**;

2. That defendant shall pay to Ann J. Atkinson, attorney for the plaintiff, the sum

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<sup>1</sup> "[#23]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

of \$12, 468.00 from funds being withheld from the retroactive Social Security disability benefits awarded to the plaintiff as a result of the remand order issued by the court; and

3. That on payment of the fees above, the attorney for the plaintiff shall refund to the plaintiff the sum of \$3,500.00, representing the awards previously made by this court for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

Dated November 7, 2011, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge