

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-60030-CIV-MIDDLEBROOKS/LYNCH

JILL LETTLIER,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant

Lettelier v. Commissioner of Social Security

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**ORDER ADOPTING REPORT & RECOMMENDATION
OF MAGISTRATE JUDGE LYNCH (DE 25)**

THIS CAUSE comes before the Court upon Magistrate Judge Frank J. Lynch, Jr.'s Report & Recommendation regarding Plaintiff's Application/Motion for Attorney's Fees (DE 25) ("Report"), filed on May 27, 2009. Neither party has objected to the Report.

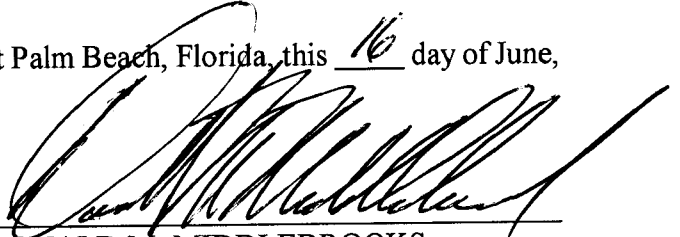
Magistrate Judge Lynch recommends granting Plaintiff's Application (DE 22) and awarding Plaintiff's counsel a total amount of \$5,903.38 in fees, which represents 8.80 hours of work performed in 2008 at the rate of \$172.85/hour [for a total of \$1,521.08] and 25.65 hours of work performed in 2009 at \$170.85/hour [for a total of \$4,382.30]. *See* DE 25, p. 1. Magistrate Judge Lynch has found the attorney's fees to be reasonable. *See id.* at p. 2. Plaintiff has requested payment of the fees directly to counsel. *See* DE 22, p. 2. Defendant does not object to the amount of fees or the direct payment to counsel as an assignee of Plaintiff. *See* DE 24, p. 1. However, Defendant states that the assignment will not prevent the United States Department of Treasury from applying the payment to offset a debt owed by Plaintiff. *See id.*; *see also* DE 25, p. 1.¹

¹ Magistrate Judge Lynch notes that he "is not aware of any debt that may or may not be owed by the Plaintiff to the U.S. Treasury in this regard or in any other regard" as "[t]he pleadings are silent in that respect." DE 25, pp. 1-2. Nor does this Court have any information pertaining to the issue.

For the reasons stated in Magistrate Judge Lynch's Report (DE 25), and after an independent *de novo* review of the file and consideration of the *Johnson* factors,² it is

ORDERED AND ADJUDGED that Magistrate Judge Lynch's Report & Recommendation (DE 25) is hereby **RATIFIED, ADOPTED and APPROVED** in its entirety. Plaintiff is awarded **\$5,903.38 in attorneys' fees**, which shall be paid directly to Plaintiff's counsel of record, Adam Scott Neidenberg, Esq. All pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 16 day of June, 2009.


DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies to: Magistrate Judge Frank J. Lynch, Jr.;
counsel of record.

² *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d. 714 (5th Cir. 1974).