

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-20989-CIV-COOKE/DUBÉ

JACK SCOTT,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

REPORT AND RECOMMENDATION

THIS CAUSE is before this Court on the Petition for Attorney Fees filed by the Plaintiff (D.E. #19) pursuant to an Order of Reference entered by the Honorable Marcia G. Cooke, United States District Judge. This Court has reviewed the motion and the file in this cause.

On February 13, 2009, an Order was entered by Judge Cooke adopting a Report and Recommendation by this Court reversing and remanding this cause for further proceedings. (D.E. #18).

The present motion seeks an award of fees and costs pursuant to the Equal Access to Justice Act. The affidavit filed by counsel for the Plaintiff indicates that 19.75 hours were spent on this case, at the rate of \$172.80 per hour. Additionally, the Plaintiff seeks recovery for costs of \$350.00 and expenses of \$20.00.

The response by the Government indicates that after discussion between the parties, counsel for the Plaintiff has agreed to revise the amount requested. Accordingly, the Government requests the Court to enter an award of \$3,260.00 as fees and expenses to be paid from Social Security


Administration appropriations, in addition to costs of \$350.00 to be paid from Judgment Fund administered by the United States Treasury.

This Court finds that the agreed-upon amount for fees, expenses and costs is reasonable and that the Plaintiff should be awarded the sum of \$3,260.00 as attorney fees and expenses as well as costs of \$350.00.

Accordingly, based on the foregoing, this Court recommends that the Petition for Attorney Fees (D.E. #19) be **GRANTED** and that the Plaintiff be awarded the sum of **\$3,260.00** as fees and expenses and the additional sum of **\$350.00** as costs.

Pursuant to Local Magistrate Rule 4(b), the parties have ten (10) days from service of this Report and Recommendation to serve and file written objections, if any, with the Honorable Marcia G. Cooke, United States District Judge. Failure to file timely objections shall bar the parties from attacking on appeal the factual findings contained herein. Loconte v. Dugger, 847 F.2d 745 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988); R.T.C. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993).

DONE AND ORDERED this 24 day of March, 2009.


ROBERT L. DUBÉ
UNITED STATES MAGISTRATE JUDGE