

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA**

MICHAEL J. BUTT)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO.: 2:12-CV-189-TLS
)	
CAROLYN W. COLVIN ¹ , Acting)	
Commissioner of Social Security)	
)	
Defendant.)	

ORDER

This matter is before the Court on attorney, Barry Schultz, for the Plaintiff’s Motion for Attorney’s Fees Under the Equal Access to Justice Act [ECF No. 30], filed on November 6, 2013. Under the Equal Justice Act, 28 U.S.C. § 2412, Attorney Schultz requests to be awarded \$9,958.33 in fees and \$20.50 in costs. On July 8, 2014, Magistrate Judge Andrew P. Rodovich issued a Report and Recommendation [ECF No. 33] recommending that the Motion [ECF No. 30] be granted.

The Court, being duly advised, and with more than fourteen days having passed without objection, ACCEPTS Magistrate Judge Andrew P. Rodovich’s Recommendation [ECF No. 33] and GRANTS the Plaintiff’s Motion for Attorney Fees [ECF No. 30]. The Court ORDERS the Defendant to pay \$9,978.83 in attorney fees and costs, payable to Plaintiff’s attorney, Barry Schultz at the Law Offices of Barry A. Schultz, P.C. The Court further ORDERS that the Defendant ascertain whether the Plaintiff owes pre-existing debt to the United States that is

¹Although Plaintiff brought this suit against Michael J. Astrue, the former Commissioner of Social Security, Carolyn W. Colvin became the Acting Commissioner on February 14, 2013. As such, under Federal Rule of Civil Procedure 25(d), Colvin is automatically substituted as a party in place of Astrue. FED. R. CIV. P. 25(d).

subject to offset. *See Astrue v. Ratliff*, 130 S. Ct. 2521, 2528–29 (2010). If Plaintiff owes pre-existing debt subject to offset, the Defendant is DIRECTED to instruct the U.S. Department of Treasury to pay the Plaintiff any amount remaining after offset, and to make any such payment payable to Plaintiff’s attorney, Barry Schultz at the Law Offices of Barry A. Schultz, P.C. .

SO ORDERED on July 30, 2014.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT
FORT WAYNE DIVISION