

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**DAVID J. TACEY,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,**

**Defendant.**

**CIVIL ACTION**

**No. 15-9094-KHV**

**MEMORANDUM AND ORDER**

On April 6, 2017, plaintiff filed a Motion For Attorney Fees Pursuant To The Equal Access To Justice Act (Doc. #18). Plaintiff requests \$6,460.77 in attorney fees. Memorandum In Support Of Motion For Attorney Fees Pursuant To The Equal Access To Justice Act (Doc. #19) filed April 6, 2017 at 2. Defendant asserts that the Court should reduce the award to \$5,354.79 because plaintiff's counsel billed in quarter-hour increments and included clerical tasks in her itemized time sheet. Response (Doc. #20) filed April 18, 2017 at 2-4.

For the reasons stated in plaintiff's memorandum in support of its motion, the Court finds that plaintiff is entitled to attorney fees under the Equal Access To Justice Act ("EAJA"), 28 U.S.C. § 2412. See Doc. #19 at 1-2.

Plaintiff's counsel, however, provides no justification for billing 30 of her 45 entries in quarter-hour increments. See Ex. A to Doc. #19; Reply To Response To Motion (Doc. #21) filed April 25, 2017. This method "has been virtually extinct for some time" in the Kansas City legal market because quarter-hour billing is inaccurate. Glover v. Heart of America Mgmt. Co., No. 98-2125, 1999 WL 450895 at \*7 n.8 (D. Kan. May 5, 1999). Further, counsel's itemized time report includes clerical tasks such as filing documents, which are not compensable under the EAJA. Nadarajah v. Holder,

569 F.3d 906, 921 (9th Cir. 2009). On this record, plaintiff has not met his burden of establishing the reasonableness of the full requested fee. Bryant v. Comm’r of Soc. Sec., 578 F.3d 443, 450 (6th Cir. 2009). Thus, the Court finds that attorney fees in the amount of \$5,354.79 are reasonable.

**IT IS THEREFORE ORDERED** that plaintiff’s Motion For Attorney Fees Pursuant To The Equal Access To Justice Act (Doc. #18) filed April 6, 2017 is **SUSTAINED** in part. The Court awards plaintiff attorney fees of \$5,354.79.

Dated this 22th day of September, 2017 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge