

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

<b>MARCA A. ZACHARY,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION</b>
	)	
<b>v.</b>	)	<b>No. 18-2288-KHV</b>
	)	
<b>ANDREW M. SAUL,</b>	)	
<b>Commissioner of Social Security,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM AND ORDER**

On June 1, 2018, Marca A. Zachary sought judicial review of the final decision by Andrew Saul denying her application for disability benefits under Title II of the Social Security Act, 42 U.S.C. § 401 *et seq.* Complaint (Doc. #3). On June 19, 2019, the Court reversed the decision of defendant and remanded the case to defendant for further proceedings. Memorandum And Order (Doc. #18). This matter is before the Court on plaintiff’s Motion For Attorney’s Fees (Doc. #20) filed August 19, 2019.

Pursuant to 28 U.S.C. § 2412(d) and D. Kan. Rule 54.2, plaintiff requests reasonable attorney’s fees for services rendered by her attorneys in this action. Under D. Kan. Rule 54.2(a), a party moving for statutory attorney’s fees “must promptly initiate consultation with the other party or parties.” If the parties reach an agreement through this consultation, “they must file an appropriate stipulation and request for an order.” D. Kan. Rule 54.2(b). If they are unable to agree, the moving party has 30 days (after filing its initial motion) to file a statement explaining that the parties are unable to reach an agreement after consultation. D. Kan. Rule 54.2(c). The Court will not consider a motion for statutory attorney’s fees “until the moving party files the

statement of consultation in compliance with this rule.” D. Kan. Rule 54.2(d).

Here, plaintiff has not complied with D. Kan. Rule 54.2 because she has not filed a statement of consultation.

**IT IS THEREFORE ORDERED** that plaintiff’s Motion For Attorney’s Fees (Doc. #20) filed August 19, 2019 be and hereby is **OVERRULED**.

Dated this 8th day of October, 2019 at Kansas City, Kansas.

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