

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MITCHELL D. SHULTZ,)	
)	
Plaintiff,)	
v.)	No. 17-00428-CV-W-DPR-SSA
)	
ANDREW SAUL, ¹)	
)	
Defendant.)	

ORDER

Before the Court is the Motion for Section 406(b) Attorney Fees. (Doc. 30.) Plaintiff’s attorney, Cathleen A. Shine, requests an award in the amount of \$12,469.75 as an attorney fee for her representation of Plaintiff in this action.² In its Response (doc. 31), Defendant “has no specific objection” to Plaintiff’s motion and only asks this court award a reasonable fee. Upon review, the Court finds that the fee requested is consistent with the Fee Contract (doc. 30-3) which is equal to the statutory maximum of 25% of past-due benefits. The Court also finds that the fee requested is reasonable.

Therefore, the Motion for Section 406(b) Attorney Fees is **GRANTED**. Pursuant to 42 U.S.C. § 406(b), Cathleen A. Shine is awarded a fee for her services in the amount of \$12,469.75, to be paid by Defendant. Furthermore, Ms. Shine shall refund to Mitchell Shultz the amount of \$6,500.00, which was previously paid as an attorney fee under the Equal Access to Justice Act.

IT IS SO ORDERED.

/s/ David P. Rush
DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

DATE: April 22, 2020

¹ Andrew M. Saul became the Commissioner of Social Security in June 2019. Pursuant to Fed. R. Civ. P. 25(d)(1), Andrew M. Saul is substituted for Nancy A. Berryhill as the defendant in this suit. By reason of the last sentence of 42 U.S.C. § 405(g), no further action need be taken.

² This amount represents 34.35 hours of attorney time related to the court action and averages an hourly rate of \$363.02.