

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3
4 ROSA A. GUZMAN,

5
6 Plaintiff,

MEMORANDUM & ORDER

13-CV-02243 (FB)

7
8 -against-

9
10 CAROLYN W. COLVIN,
11 ACTING COMMISSIONER OF
12 SOCIAL SECURITY,

13
14 Defendant.

15 -----X

16 *Appearances:*

17 *For the Plaintiff:*

18 CHARLES E. BINDER
19 Law Offices of Harry J. Binder
20 & Charles E. Binder, P.C.
21 60 East 42nd Street, Suite 520
22 New York, New York 10165

For the Defendant:

ROBERT L. CAPERS
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

By: KAREN T. CALLAHAN
Special Assistant United States Attorney

24 **BLOCK, Senior District Judge:**

25 Having independently determined the following—that the plaintiff’s contingent-
26 fee arrangement has yielded a reasonable result in this particular case, as required by
27 42 U.S.C. § 406(b)(1), and that it is not tainted by fraud or overreaching or awards an
28 improper windfall to plaintiff’s counsel, *see Wells v. Sullivan*, 907 F.2d 367, 372 (2d

1 Cir. 1990) (requiring courts to consider these factors when weighing the validity of
2 such arrangements)—and with the Commissioner’s recommendation, plaintiff’s petition
3 for attorney fees in the amount of \$17,852 is GRANTED. Upon receipt of this sum, in
4 accordance with his representations to the Court, plaintiff’s counsel is to remit
5 \$6,164.05 that he received under the Equal Access to Justice Act to plaintiff.

6
7 **SO ORDERED**

8 /S/ Frederic Block
9 FREDERIC BLOCK
10 Senior United States District Judge

11 Brooklyn, New York
12 February 7, 2017
13