

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WANDA LUGO,	:	18-cv-2179 (JGK) (RWL)
	:	
Plaintiff,	:	
	:	ORDER: ATTORNEYS' FEES
- against -	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	
-----X	:	

ROBERT W. LEHRBURGER, United States Magistrate Judge.

Earlier in this case, Plaintiff successfully obtained remand of an adverse decision denying her application for Social Security Disability benefits. Following remand, Plaintiff successfully obtained a substantial award of retroactive benefits. Plaintiff now seeks an award of attorneys' fees for counsel's work on this court action in the amount of \$31,990.50 pursuant to 42 U.S.C. § 406(b)(1). The Court has reviewed the parties' respective filings and GRANTS an award of the requested fees.

In the event of successfully obtaining a judgment favorable to the claimant, Section 406(b) permits awarding attorneys' fees of not more than 25 percent of the total past-due benefits to which the claimant is entitled. Typically, as here, social security benefit practitioners work on a contingent-fee arrangement. The Court is charged with the obligation to review such arrangements for reasonableness. *Id.*, see *Gisbrecht v. Barnhart*, 535 U.S. 789, 808 (2002).

Here, the amount requested is 25 percent of the claimant's retroactive benefits. The Court finds that the amount requested is reasonable. Plaintiff counsel is an experienced Social Security Disability practitioner, having focused almost exclusively on

this field for more than twenty years. (Dkt. 29 at ¶ 3.) Plaintiff's counsel expended 69.31 attorney hours of work on the case, representing a *de facto* hourly rate of approximately \$461.56. (Plaintiff counsel's hourly billing rate is \$500.) As the Government notes, that rate is within the range that courts have approved in these types of cases. (Dkt. 30 at 2.) Further, the Court finds the amount of time expended on this matter to be reasonable.

The Court also finds Plaintiff's application to be timely, or otherwise deserving of an enlarged time frame for filing, given the date by which Plaintiff received the final notice of award and the number of matters requiring counsel's attention in the ensuing days.

Accordingly, Plaintiff's motion is GRANTED, and Plaintiff shall receive \$31,990.50 in attorneys' fees. Upon receipt of fees, Plaintiff counsel shall refund \$9,200 to Plaintiff, being the amount Plaintiff counsel received under the Equal Access to Justice Act.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 24, 2020
New York, New York

Copies transmitted this date to all counsel of record.