

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:15-cv-00002-MOC

STEPHANIE I. HERREN,)
)
 Plaintiff,)
)
 Vs.)
)
 NANCY A. BERRYHILL, Acting Commissioner)
 of Social Security,)
)
 Defendant.)

ORDER

THIS MATTER is before the Court on plaintiff's Motion for Fees under 42 U.S.C. § 406(b). The Acting Commissioner has filed a Response, in which she takes no position on the award of the fee.

Pursuant to 42 U.S.C. § 406(b), whenever the court renders a judgment favorable to a claimant, it may award attorney fees not to exceed 25% of past-due benefits. In the instant case, the fee agreement between the plaintiff and counsel provides for a contingency fee of 25% of past-due benefits. In these circumstances, the reviewing court does not calculate a lodestar amount; it simply reviews the fee claimed for reasonableness. See Mudd v. Barnhardt, 418 F.3d 424, 427-28 (4th Cir. 2005).

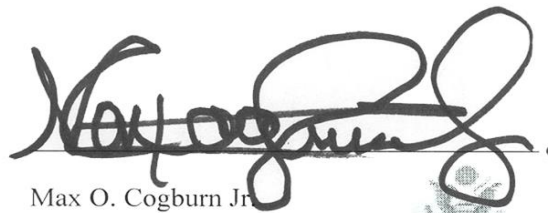
The Court has reviewed the amount requested by counsel in light of the pleadings and finds it to be reasonable. Plaintiff was awarded \$71,361.00 in past-due benefits at the administrative level after this Court entered judgment. In light of the results achieved before this Court and upon

remand, the sum of \$11,840.25 is a reasonable attorney's fee as no factors under Gisbrecht v. Barnhart, 535 U.S. 789 (2002) counsel reduction of the fee award. .

ORDER

IT IS, THEREFORE, ORDERED that Motion for Fees under 42 U.S.C. § 406(b) (#20) is **GRANTED**, and the Social Security Administration shall release the sum of **\$11,840.25** to plaintiff's counsel as attorney's fees for services rendered before this court. Plaintiff's counsel shall refund to the Plaintiff the amount of **\$5,000.00** previously awarded and paid to plaintiff's counsel pursuant to the Equal Access to Justice Act.

Signed: September 26, 2018

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is stylized and cursive.

Max O. Cogburn Jr.
United States District Judge