

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-174-RJC**

SANDRA NEUFELD,)
)
 Plaintiff,)
)
 v.)
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of Social Security)
)
 Defendant.)
 _____)

ORDER

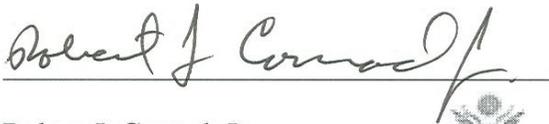
THIS MATTER comes before the Court on Plaintiff’s Motion for Attorney Fees Pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, (Doc. No. 18); her Memorandum in Support, (Doc. No. 18-1); Defendant’s Response in Opposition to Plaintiff’s Motion, (Doc. No. 19); Plaintiff’s Response in Support of her Motion, (Doc. No. 20); and both parties’ Stipulation regarding Plaintiff’s Motion for Attorney Fees, (Doc. No. 22). The motion is fully briefed and ripe for adjudication.

On June 15, 2016, this Court granted Plaintiff’s Motion for Summary Judgment, (Doc. No. 11), and denied Defendant’s Motion for Summary Judgment, (Doc. No. 13). (Doc. No 16). This Court concluded that the ALJ’s lack of analysis, explanation, and determination of Plaintiff’s mental RFC warranted a reversal and remand. (Id. at 9). Plaintiff thereafter filed a Motion for Attorney Fees, alleging that Defendant’s arguments were not substantially justified. (Doc. No. 18-1). In response, Defendant did not contest Plaintiff’s argument, but rather objected to Plaintiff’s motion because it was filed one day after the required deadline. (Doc. No. 19 at 1). This Court, noting a split amongst district courts, ruled that EAJA fee applications were subject to equitable tolling where appropriate. (Doc. No. 21 at 2–3). Both parties have now come before this Court

after reaching an agreement that Defendant will pay a fee of \$4,014.50 in attorney's fees to Plaintiff. (Doc. No. 22 at 1).

Having reviewed Plaintiff's motion for attorney's fees, (Doc. No. 18), and the stipulation of the parties, (Doc. No. 21), it is hereby **ORDERED** that Defendant will pay Plaintiff \$4,014.50 in attorney's fees in full satisfaction of all claims arising under the Equal Access to Justice Act, 28 U.S.C. § 2412.

Signed: November 9, 2017



Robert J. Conrad, Jr.
United States District Judge



SEALED DOCUMENT with access to All Parties/Defendants.