

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**


KATRINA GERWIN,)	CASE NO. 1:18-CV-1156
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	
COMMISSIONER OF SOCIAL)	<u>MEMORANDUM OPINION</u>
SECURITY,)	<u>AND ORDER</u>
)	
Defendant.)	

This case is before the Court on Plaintiff, Katrina Gerwin’s (“Ms. Gerwin” or “Plaintiff”) Motion for Attorney’s Fees Pursuant to 42 U.S.C. § 406(b) of the Social Security Act (the “Act”) (ECF #23). Plaintiff’s counsel, Rebecca R. Gillissie (“Attorney Gillissie”), asks this Court to issue an Order awarding her \$5,725.88 in attorney’s fees from the past-due benefits owed to Plaintiff pursuant to § 406(b) of the Act. Defendant, Commissioner of Social Security (the “Commissioner” or “Defendant”) does not object to the Motion.

Pursuant to 42 U.S.C. § 406(b), the Court may award attorney’s fees to a successful claimant’s counsel for work performed before the Court in a reasonable amount, not to exceed 25% of the total past-due benefits. These fees are awarded from the past-due benefits awarded to the claimant and are withheld from the claimant by the Commissioner. *See Gisbrecht v. Barnhart*, 535 U.S. 789 (2002). The Attorney Fee Agreement entered into by Plaintiff and Attorney Gillissie stated that the attorney fee would be 25% of total past-due benefits awarded to Plaintiff. Accordingly, this Court finds that the amount of \$5,725.88 in attorney’s fees is reasonable.

THEREFORE, this Court authorizes a payment to Attorney Gillissie in the amount of \$5,725.88 in attorney’s fees being withheld from Plaintiff’s past-due benefits.

IT IS SO ORDERED.



DONALD C. NUGENT
Senior United States District Judge

DATED: August 18, 2020