

Here, there is no evidence that counsel acted improperly or ineffectively. When she hired counsel, Plaintiff Takacs specifically agreed to allow her counsel to seek up to 25% of her past-due benefits.⁷ Counsel then successfully won a remand from this Court.⁸ And on remand, Plaintiff was found to be disabled.⁹

Nor would \$14,900.23 be an undeserved windfall. Plaintiff's counsel spent a total 35.20 hours on the district court appeal in this case.¹⁰ That translates into a hypothetical hourly rate of about \$423.30. Courts in this district have recently found that a hypothetical hourly rate of about \$450 is reasonable.¹¹ Similarly, the Court finds that counsel's requested fee in this case is reasonable.

Finally, the Court notes that an attorney receiving fees under both Section 406(b) and the Equal Access to Justice Act must refund to the client the smaller of the two fee awards.¹² Plaintiff's counsel has already agreed to refund the \$6,609.76 received under the Equal Access to Justice Act once the Section 406(b) fees are received.¹³

For these reasons, the Court **GRANTS** the motion for attorneys' fees and awards \$14,900.23 to Plaintiff's counsel on the condition that Plaintiff's counsel refunds to Plaintiff Takacs the \$6,609.76 in fees that the Court awarded under the Equal Access to Justice Act.

⁷ Doc. 17-5 at 2–3 (Ex. A).

⁸ Doc. 14.

⁹ Doc. 17-4 at ¶ 6; Doc. 17-5 at 7–14 (Ex. C).

¹⁰ Doc. 17-5 at 5 (Ex. B).

¹¹ See, e.g., *Nimrod v. Comm'r of Soc. Sec.*, No. 1:20-CV-00678, 2023 WL 2431990, at *2 (N.D. Ohio Mar. 9, 2023) (\$450/hr); *Barnard v. Comm'r of Soc. Sec.*, No. 1:18-CV-1334, 2023 WL 1929942, at *2 (N.D. Ohio Feb. 10, 2023) (\$450/hr); *Parks v. Comm'r of Soc. Sec.*, No. 5:20-CV-634, 2023 WL 1929946, at *2 (N.D. Ohio Feb. 10, 2023) (\$468.49/hr).

¹² *Easton v. Comm'r of Soc. Sec.*, No. 4:18-CV-2289, 2023 WL 144581, at *1 (N.D. Ohio Jan. 10, 2023) (citing Awards in Certain Social Security Proceedings, Pub. L. No. 99-80, § 3, (1985)).

¹³ Doc. 17-2 at 5; Doc. 17-4 at ¶ 15.

Case No. 1:20-cv-02120
GWIN, J.

IT IS SO ORDERED.

Dated: October 10, 2023

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE