

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

BOBBI J. STEELE,	:	Case No. 3:12-cv-156
Plaintiff,	:	District Judge Walter H. Rice
vs.	:	Magistrate Judge Michael J. Newman
COMMISSIONER OF SOCIAL SECURITY,	:	
Defendant.	:	

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**ORDER**

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This case is before the Court pursuant to Plaintiff's motion for an award of her attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Doc. 15.

In reviewing Plaintiff's motion, the Court notes that it is not adequately supported by sufficient evidence to warrant justification of payment of attorney's fees over the statutory cap of \$125.00 per hour. *See Bryant v. Comm'r of Soc. Sec.*, 578 F.3d 443, 450 (6th Cir. 1992). *See also Douglas v. Astrue*, No. 3:10-cv-188, 2012 U.S. Dist. LEXIS 36735, \*4-6 (S.D. Ohio 2012).

In *Bryant*, the Sixth Circuit held:

In requesting an increase in the hourly-fee rate, Plaintiffs bear the burden of producing appropriate evidence to support the requested increase. Plaintiffs must produce satisfactory evidence -- **in addition to the attorney's own affidavits** -- that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.

578 F.3d at 450 (internal citations and quotations omitted) (emphasis added).

In the interest of justice, and in light of the aforementioned cases, **IT IS HEREBY ORDERED:**

1. Plaintiff's counsel shall have until **September 9, 2013** to supplement his motion. To that end, counsel shall submit evidence which makes clear that the prevailing rate in this District for cases such as this, and by lawyers of reasonably comparable skill and experience, is in excess of \$125.00 per hour (*see, e.g., Lambert v. Comm'r of Soc. Sec.*, No. 3:10-cv-435, doc. 31 (S.D. Ohio June 19, 2012) (Gary Blumenthal Esq.)). Pursuant to *Bryant*, any affidavit filed for this purpose must be in addition to counsel's own affidavit;
2. Following Plaintiff's supplemental filing, the Commissioner shall have until **September 19, 2013** to file a memorandum in opposition; and
3. In the alternative, if the parties so choose, they may file a joint stipulation, in which case this requirement is obviated.

August 29, 2013

s/ **Michael J. Newman**  
United States Magistrate Judge