

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

MARY JANE QUIRK,)
Plaintiff,)
v.) Case No. CIV-13-57-D
CAROLYN W. COLVIN,)
Acting Commissioner of the Social)
Security Administration,)
Defendant.)

ORDER AWARDING ATTORNEY'S FEES

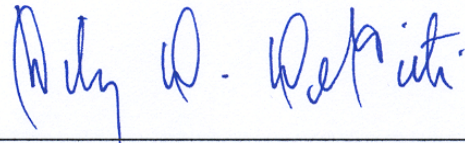
This matter comes before the Court for consideration of Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 21]. Plaintiff seeks an award of fees pursuant to 28 U.S.C. § 2412, in the amount of \$3,535.60 for the legal services provided by her attorney (14.6 hours) and a paralegal (8.2 hours) in this case. Plaintiff is the prevailing party by virtue of the Agreed Judgment and Order of Remand entered September 19, 2013. Her fee application is unopposed by the Acting Commissioner within the time period for a response, and in the exercise of discretion under LCvR7.1(g), the Court deems it confessed.

Further, upon consideration of the law, the record, and the facts shown by the Application, the Court finds: (1) the Commissioner's position in this case was not substantially justified; (2) Plaintiff is entitled to an award of attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount of fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Application is GRANTED. The Court orders an award of attorney's fees to Plaintiff Mary Jane Quirk pursuant to the Equal Access to

Justice Act in the amount of \$3,535.60. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 7th day of January, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE