

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ASHLEY NICOLE SIMINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 COMMISSIONER, )  
 Social Security Administration, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

Case No. 6:16-cv-01381-AA

ORDER GRANTING PLAINTIFF’S  
UNOPPOSED MOTION FOR ATTORNEY  
FEES PURSUANT TO 42 U.S.C. § 406(b)

AIKEN, District Judge:

Plaintiff Ashley Simington brought this action seeking review of the Commissioner’s final decision denying her applications for Disability Insurance Benefits under the Social Security Act. The Court reversed the Commissioner’s decision, remanded the case for an award of benefits, and entered Judgment on July 25, 2017.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel’s hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$26,734.35 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney fees in the amount of \$8,101.54 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount awarded under EAJA and send Plaintiff's attorney the balance of \$18,632.81, less any applicable processing or user fees prescribed by statute. Payment of this award shall be paid via check made payable and mailed to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 6<sup>th</sup> day of April 2018.



ANN AIKEN  
United States District Judge

Proposed Order submitted by:  
Katherine L. Eitenmiller  
HARDER, WELLS, BARON & MANNING, P.C.  
474 Willamette Street  
Eugene, OR 97401  
(541) 686-1969  
keitenmiller@hwbm.net  
Of Attorneys for Plaintiff