UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MEGAN HANFORD,

           Plaintiff,

    v.

NANCY A. BERRYHILL, Deputy
Commissioner of the Social Security
Administration for Operations,

           Defendant.

CASE NO. 2:16-cv-0921 JRC

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

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge

and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5).

This matter is before the Court on plaintiff's unopposed Motion for Attorney's Fees Pursuant to

42 U.S.C. § 406(b) (*see* Dkt. 17, amended at Dkt. 18).

The Court may allow a reasonable fee for an attorney who represented a Social Security

Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in

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406(B) - 1

1   excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*

2   *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first

3   to such agreement and will conduct an independent review to assure the reasonableness of the

4   fee requested, taking into consideration the character of the representation and results achieved.

5   *See Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the

6   fee agreement is the primary means for determining the fee, the Court will adjust the fee

7   downward if substandard representation was provided, if the attorney caused excessive delay, or

8   if a windfall would result from the requested fee. *See Crawford v. Astrue*, 586 F.3d 1142, 1151

9   (9th Cir. 2009) (*citing Grisbrecht, supra*, 535 U.S. at 808).

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11   Here, the representation was standard, at least, and the results achieved excellent (*see*

   Dkt. 17, Attachment 3). *See Grisbrecht, supra*, 535 U.S. at 808. Following remand from this

12   Court for further consideration (*see* Dkt. 13), plaintiff was awarded benefits. There has not been

13   excessive delay and no windfall will result from the requested fee.

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15   Plaintiff's total back payment was $124,176.00 (*see id.*, pp. 1, 3). Plaintiff has moved for

16   an attorney's fee of $23,750.00 (*see* Amended Motion, Dkt. 18, p. 1), and the Court has

17   considered plaintiff's gross attorney's fee of $23,750.00 and the EAJA award received by

18   plaintiff's attorney in the amount of $9,038.30 (Dkt. 15). *Parish v. Comm'r. Soc. Sec. Admin.*,

19   698 F.3d 1215, 1221 (9th Cir. 2012).

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21   Based on plaintiff's unopposed motion and supporting documents (*see* Dkt. 17,

   Attachments 2, 3, 4, Dkt. 18), it is hereby ORDERED that attorney's fees in the amount of

22    $14,711.70 ($23,750.00 - $9,038.30) be awarded to plaintiff's attorney pursuant to 42 U.S.C. §

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1   406(b). The Social Security Administration is to release the remaining backpay (including the

2   previously awarded EAJA fees in the amount of $9,038.30) to plaintiff.

3   Dated this 30th day of May, 2018.

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5   J. Richard Creatura

6   United States Magistrate Judge

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