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8	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
9	AT TAC	OMA
10	CALVINA LEIPUNI PADILLA- GONZALEZ,	
11		CASE NO. 14-cv-05552 JRC
12	Plaintiff, v.	ORDER GRANTING MOTION FOR ATTORNEY'S FEES PURSUANT TO 42 U.S.C. § 406(b)
13	CAROLYN W COLVIN, Acting	10 42 0.5.C. § 400(0)
14	Commissioner of the Social Security Administration,	
15	Defendant.	
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17	This Court has jurisdiction pursuant to 28	U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
18	Magistrate Judge Rule MJR 13 (see also Notice of	f Initial Assignment to a U.S. Magistrate Judge
19	and Consent Form, Dkt. 5; Consent to Proceed Be	fore a United States Magistrate Judge, Dkt. 6).
20	This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. §	
21	406(b) (see Dkt. 24). Defendant has no objection to plaintiff's request (see Dkt. 27).	
22	The Court may allow a reasonable fee for an attorney who represented a Social Security	
23	Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in	
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ORDER GRANTING MOTION FOR ATTORNEY'S FEES PURSUANT TO 42 U.S.C. § 406(B) - 1

excess of 25 percent of the total of past-due benefits. See 42 U.S.C. § 406(b)(1); Grisbrecht v. 1 2 Barnhart, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first to such agreement and will conduct an independent review to assure the reasonableness of the 3 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 if a windfall would result from the requested fee. See Crawford v. Astrue, 586 F.3d 1142, 1151 8 9 (9th Cir. 2009) (citing Grisbrecht, supra, 535 U.S. at 808).

Here, the representation was standard, at least, and the results achieved excellent (*see*Dkt. 25, Attachment 1). *See Grisbrecht, supra*, 535 U.S. at 808. Defendant stipulated to remand
the matter subsequent to plaintiff's filing of her Opening Brief (Dkt. 18). Following a second
administrative hearing, the Administrative Law Judge issued a favorable Decision, finding
plaintiff disabled (*see* Dkt. 25, p. 1, Attachment 1). There has not been excessive delay and no
windfall will result from the requested fee.

Plaintiff's total back payment was \$54,049 and \$13,512.25 (25%) was withheld for
payment of attorney's fees (*see* Dkt. 25 at p. 2, Attachment 1). Plaintiff has moved for a gross
attorney's fee of \$7,512.25 and will refund the first \$4,459.83 (previously awarded under the
Equal Access to Justice Act (EAJA) (Dkt. 23) to plaintiff (*see* Motion, Dkt. 24, p. 1) and the
Court has considered plaintiff's gross attorney's fee of \$7,512.25 and the EAJA award received
by plaintiff's attorney in the amount of \$4,459.83; *Parish v. Comm'r. Soc. Sec. Admin.*, 698 F.3d
1215, 1221 (9th Cir. 2012).

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 w/Attachments 1, 2, 3 and Dkl. 26), and with no objection from defendant (Dkl. 27), it is hereby ORDERED that attorney's fees in the amount of \$7,512.25 be awarded to plaintiff's attorney will pursuant to 42 U.S.C. § 406(b). Following receipt of the fee award, plaintiff's attorney will refund to plaintiff \$4,459.83, which was previously paid by the Commissioner under the EAJA. Dated this 6th day of September, 2016. J. Richard Creatura United States Magistrate Judge 	1	Based on plaintiff's motion and supporting documents (see Dkt. 24, Dkt. 25
pursuant to 42 U.S.C. § 406(b). Following receipt of the fee award, plaintiff's attorney will refund to plaintiff \$4,459.83, which was previously paid by the Commissioner under the EAJA. Dated this 6th day of September, 2016.	2	w/Attachments 1, 2, 3 and Dkt. 26), and with no objection from defendant (Dkt. 27), it is hereby
 refund to plaintiff \$4,459.83, which was previously paid by the Commissioner under the EAJA. Dated this 6th day of September, 2016. <i>Mourd Wasters</i> J. Richard Creatura United States Magistrate Judge Inited States Magistrate Judge Inited States Magistrate Judge Inited States Inited Stat	3	ORDERED that attorney's fees in the amount of \$7,512.25 be awarded to plaintiff's attorney
6 Dated this 6th day of September, 2016. 7 Junited States Magistrate Judge 9 Junited States Magistrate Judge 10 Junited States Magistrate Judge 11 Junited States Magistrate Judge 12 Junited States Magistrate Judge 13 Junited States Magistrate Judge 14 Junited States Magistrate Judge 15 Junited States Magistrate Judge 16 Junited States Magistrate Judge 17 Junited States Magistrate Judge 18 Junited States Magistrate Judge 19 Junited States Magistrate Judge 10 Junited States Magistrate Judge 12 Junited States Magistrate Judge 13 Junited States Magistrate Judge 14 Junited States Magistrate Junited States 15 Junited States Magistrate Junited States 16 Junited States 17 Junited States 18 Junited States 19 Junited States 10 Junited States 11 Junited States 12 Junited States 13	4	pursuant to 42 U.S.C. § 406(b). Following receipt of the fee award, plaintiff's attorney will
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	24	ORDER GRANTING MOTION FOR

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