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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JACQUELINE CAMPBELL,

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL, Acting
Commissioner of the Social Security
Administration,

12 Defendant.
13

CASE NO. 3:14-cv-05943 JRC

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

14 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
15 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
16 and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

17 This matter is before the Court on plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. §
18 406(b). *See* Dkt. 26. Defendant has no objection to plaintiff's motion. *See* Dkt. 29.

19 The Court may allow a reasonable fee for an attorney who represented a Social Security
20 Title II claimant before the Court and obtained a favorable judgment, as long as such fee is not in
21 excess of 25 percent of the total of past-due benefits. *See* 42 U.S.C. § 406(b)(1); *Grisbrecht v.*
22 *Barnhart*, 535 U.S. 789 (2002). When a contingency agreement applies, the Court will look first
23 to such agreement and will conduct an independent review to assure the reasonableness of the
24 fee requested, taking into consideration the character of the representation and results achieved.

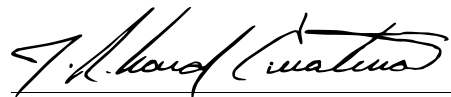
1 See *Grisbrecht, supra*, 535 U.S. at 807, 808 (footnote omitted) (citations omitted). Although the
2 fee agreement is the primary means for determining the fee, the Court will adjust the fee
3 downward if substandard representation was provided, if the attorney caused excessive delay, or
4 if a windfall would result from the requested fee. See *Crawford v. Astrue*, 586 F.3d 1142, 1151
5 (9th Cir. 2009) (citing *Grisbrecht, supra*, 535 U.S. at 808).

6 Here, the representation was standard, at least, and the results achieved excellent (see
7 Dkt. 27, Attachment 1). See *Grisbrecht, supra*, 535 U.S. at 808. Following remand from this
8 Court for further consideration (see Dkt. 21), plaintiff was awarded benefits. There has not been
9 excessive delay and no windfall will result from the requested fee.

10 Plaintiff's total back payment was \$110,800.00 (see Dkt. 27, Attachment 1, p. 3).
11 Plaintiff has moved for a net attorney's fee of \$21,700.00 (see Dkt. 26), and the Court has
12 considered plaintiff's gross attorney's fee of \$27,700.00 and the \$6,000.00 fee payment received
13 for work at the administrative level under 42 U.S.C. § 406(a). See Dkt. 27, p. 2. *Parish v.*
14 *Comm'r. Soc. Sec. Admin.*, 698 F.3d 1215, 1221 (9th Cir. 2012).

15 Based on plaintiff's unopposed motion and supporting documents (see Dkts. 26, 27, 28,
16 29), it is hereby ORDERED that attorney's fees in the amount of \$21,700.00, minus any
17 applicable processing fees, be awarded to plaintiff's attorney pursuant to 42 U.S.C. § 406(b).
18 Following receipt of the 42 U.S.C. § 406(b) award, plaintiff's attorney shall refund the EAJA
19 fees award of \$4,154.87 (see Dkt. 25) directly to plaintiff.

20 Dated this 3rd day of August, 2017.

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22 
23 J. Richard Creatura
24 United States Magistrate Judge