

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

JIMMY LLOYD EVERSOLE,

Plaintiff

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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CIVIL ACTION NO.
3:20-cv-05444-TLF

Order Awarding Attorney's Fees pursuant
to the Equal Access to Justice Act, 28
U.S.C. § 2412(d)

Before the Court is the Motion of Plaintiff, Jimmy Lloyd Eversole, for award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Dkt. 34. Based on the pleadings as well as the position of the defendant commissioner, if any, and recognizing Plaintiff's waiver of direct payment and assignment of EAJA to his counsel,

IT IS HEREBY ORDERED that attorney fees, expenses and costs in the amount of Nine Thousand Three Hundred Five Dollars and Three Cents (\$9,305.03) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) are awarded to Plaintiff. Astrue v. Ratliff, 130 S.Ct. 2521 (2010) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The Court hereby awards EAJA fees, broken down as follows:

- 1. Plaintiff is awarded 3.6 hours at \$207.78 per hour for work performed in 2020 and 35.1 hours at \$213.74 per hour for work performed in the first half of 2021 in the amount of \$8,250.28 for attorney's fees under 28 U.S.C. § 2412(d);
2. Plaintiff is awarded 8.5 hours at \$75.00 per hour for work performed in the amount of \$637.50 for Paralegal services.
3. Plaintiff is awarded \$17.25 in expenses for Certified Mail for service of Summons and Complaint.

4. Plaintiff is awarded \$400.00 in costs for the filing fee to initiate this civil action.

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees, expenses, and costs are not subject to offset allowed under the Department of the Treasury's Offset Program (TOPS), then the check for EAJA fees, expenses, and costs shall be made payable to Plaintiff's attorney, Edward A. Wicklund.

250 South Clinton Street
Suite 210
Syracuse, NY 13202

So ordered.

Date: 1-10-2022

Theresa L. Fricke

Theresa L. Fricke
United States Magistrate Judge

[proposed Order proffer: Edward A. Wicklund; copy to Justin L. Martin]