

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FYRESTA G. TUCKER,

Plaintiff,

v.

Civ. No. 13-1246-LPS

NANCY A. BERRYHILL,<sup>1</sup>

Acting Commissioner of Social Security,

Defendant.

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**MEMORANDUM ORDER**

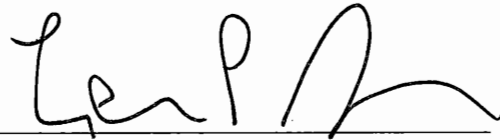
At Wilmington this 16th day of October, 2017:

Having reviewed the parties' briefing regarding Plaintiff's motion for attorney fees (D.I. 17), IT IS HEREBY ORDERED that Plaintiff's motion is GRANTED. The Commissioner does not contest Plaintiff's entitlement to fees, nor Plaintiff's attorneys' hourly fee, nor the request for \$400 costs; the only dispute is as to the number of hours Plaintiff's attorneys devoted to their successful representation of Plaintiff. Plaintiff requests fees be awarded for 42 hours, while the government insists "42 compensable hours is unreasonable and should be reduced to 27." (D.I. 18 at 3) The Court's view is that Plaintiff's attorneys – who are highly experienced in this field, who wrote 27 pages of merits briefing, and who voluntarily reduced the number of hours for which they are seeking reimbursement – have provided persuasive reasons for the amount of time they put into what they reasonably characterize as a relatively fact-specific appeal. It is appropriate to award Plaintiff the requested hourly rate (\$189) for all hours (42) requested, as

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<sup>1</sup>Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for former Commissioner Carolyn W. Colvin as defendant in this suit.

well as for the additional 1.4 hours required to research and prepare the reply brief in support of the motion (*see* D.I. 21 at 1 n.1). The parties appear to agree that payment must be made directly to Plaintiff, to allow for any required offset, and may be made to Plaintiff's attorneys if no offset is required and Plaintiff submits a valid assignment. IT IS FURTHER ORDERED that the parties shall meet and confer and, no later than October 18, submit a proposed order with the final dollar figure, consistent with the instant order.

A handwritten signature in black ink, appearing to read 'L.P. Stark', written over a horizontal line.

HONORABLE LEONARD P. STARK  
UNITED STATES DISTRICT JUDGE