

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Kari E. Trescott v. Commissioner, Social Security Administration

Trescott · No. 3:24-cv-01045-YY · Decided November 26, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON KARI E. TRESCOTT Case No. 3:24-cv-01045-YY Plaintiff, ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR vs. ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(b) COMMISSIONER, Social Security Administration, Defendant. Plaintiff Kari E. Trescott brought this action seeking review of the Commissioner's final decision denying her application for disability benefits under the Social Security Act.

The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on April 1, 2025. Upon remand, the Commissioner found Plaintiff entitled to benefits beginning October 2020. Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b).

The Commissioner neither supports nor opposes counsel's request for attorney's fees. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$27,398.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff a total of \$6,812.27 under the Equal Access to Justice Act ("EAJA") and \$9,200.00 in administrative fees.

The Court will offset that award against the 42 U.S.C. § 406(b) award and order that, in accordance with agency policy, the Commissioner make a direct payment of \$11,385.98, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C. Payment is to be made from benefits the Social Security Administration has withheld from Plaintiff's past due benefits.

Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant. IT IS SO ORDERED this 26 day of November 2025. /s/ YOULEE YIM YOULEE YIM YOU
United States Magistrate Judge Proposed Order submitted by: Katherine L. Eitenmiller WELLS, MANNING, EITENMILLER & TAYLOR, P.C.

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Attorneys for Plaintiff ORDER GRANTING ATTORNEY FEES PURSUANT TO 42 U.S.C. §
406(b)

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