

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL HELLNER,

Plaintiff,

ORDER

v.

10-cv-481-bbc

MICHAEL ASTRUE,
Commissioner of Social Security,

Defendant.

On February 9, 2011, I remanded this case to the Commissioner pursuant to the joint stipulation of the parties. Now before the court is plaintiff's application for an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

Plaintiff has acquiesced to the Commissioner's objections to his request and has reduced his request for fees accordingly. The parties agree that plaintiff is entitled to \$4,333.56 in attorney fees.

Further, in response to the Commissioner's objection to the fees being paid directly to plaintiff's lawyer Dana Duncan, Duncan asks the court to adopt the following language used in past stipulations.

The award of attorney's fees will fully satisfy any and all of plaintiff's claims for fees, costs, and expenses under 28 U.S.C. §

2412 that may be payable in this case. It is further agreed that, following any offset of money owed to the United States, pursuant to *Astrue v. Ratliff*, --- U.S. ---, 130 S.Ct. 2521, --- L.Ed 2d. --- (2010), the remaining fees, if any, shall be paid to counsel, Dana W. Duncan directly.

The language in the order section of this decision takes the Commissioner's concerns into consideration.

ORDER

IT IS ORDERED that plaintiff Michael A. Heller is awarded attorney fees in the amount of \$4,333.56 . This amount is to be made payable to plaintiff's attorney, Dana Duncan, contingent upon counsel's production of an assignment of fee agreement executed by plaintiff and any payment of money owed to the United States.

Entered this 17th day of June, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge