

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**Case No. 06-4129-JAR**

Plaintiff has filed a Motion for Attorney Fees (Doc. 21) and an Amended Motion (Doc. 22) for Attorney Fees and Expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the total amount of \$4,242.23, for 26.1 hours of attorney time at \$156.54 per hour. The defendant does not object to an award of EAJA fees in this amount, but objects to plaintiff's request that the fees be paid directly to plaintiff's counsel of record. Relying on the language in 28 U.S.C. § 2412(d)(1)(A), that the "court shall award to a prevailing party . . . fees and other expenses," the government argues that EAJA fees must be paid directly to the claimant, not the claimant's attorney. The government acknowledges that this very issue is currently pending before the Tenth Circuit, in *Manning v. Astrue*.<sup>1</sup> Nevertheless, in the interest of avoiding delayed

1

payment of this fee award, and following the persuasive decisions of Judge Marten<sup>2</sup> and Judge Crow<sup>3</sup> on this issue, this Court denies plaintiff's request for direct payment to counsel. In the interest of convenience, although the award will be payable to plaintiff, the Court will order that the payment be mailed to plaintiff's attorney's address, in care of plaintiff.

**IT IS THEREFORE ORDERED THAT** plaintiff's Motion for Attorneys Fees Pursuant to the Equal Access to Justice Act (Doc. 21 & 22) is **GRANTED**.

**IT IS FURTHER ORDERED THAT** plaintiff is awarded attorney fees in the amount of \$4,242.23.

**IT IS FURTHER ORDERED THAT** the attorney fee award be made payable to plaintiff, and mailed to plaintiff's counsel's address of record, in care of plaintiff.

**IT IS SO ORDERED.**

Dated this 12<sup>th</sup> day of December 2007.

S/ Julie A. Robinson  
Julie A. Robinson  
United States District Judge

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<sup>2</sup>*Dewey v. Astrue*, No. 03-1385-JTM, 2007 WL 2013599 (D.Kan. July 9, 2007).

<sup>3</sup>*Williams v. Astrue*, No. 06-4027-SAC, 2007 WL 2582177 (D. Kan. Aug. 28, 2007).