

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEPHANIE LYNN STEIGERWALD,)	CASE NO.: 1:17-CV-1516
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	MAGISTRATE JUDGE DAVID RUIZ
v.)	
)	
NANCY A. BERRYHILL, ACTING)	
COMMISSIONER OF SOCIAL)	
SECURITY, ET AL.)	PLAINTIFF’S MOTION FOR
)	SUMMARY JUDGMENT
)	
Defendants.)	

Undersigned counsel, on behalf of Plaintiff Stephanie Lynn Steigerwald and the proposed class (“Plaintiff”), and pursuant to Federal Rule of Civil Procedure 56(a), hereby files this Motion for Summary Judgment. As explained more fully in the Memorandum in Support of this Motion being filed simultaneously with this Motion, and incorporated herein by reference, Defendants have provided Plaintiff with conclusive evidence as to their liability for the sole count of Plaintiff’s Complaint. Summary judgment is appropriate on that issue.

Furthermore, this Court should also decide on summary judgment the pure issue of law whether, as sought in the Complaint, Doc. 1 p. 22, 42 U.S.C. § 406(b) applies to Plaintiff’s Social Security Act class action. As more fully detailed in the attached Memorandum, the statutory section allowing for attorneys’ fees where a court issues a favorable judgment in a case brought pursuant to the Social Security Act means what it says, and applies in the class action context, as the only other federal district court which has reached this issue has held. *Greenberg v. Colvin*, 63 F. Supp. 3d 37 (D.D.C. 2014).

Resolution of these issues by way of summary judgment is timely, appropriate and will be effective at moving the case toward an expeditious conclusion consistent with the Court's Case Management Plan, Doc. 28, pursuant to which Plaintiff will file a motion for class certification in the next few weeks but in no event later than May 21, 2018, the Court's current deadline for such filing. Respectfully, the Court should grant the Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2018, a copy of the foregoing Motion for Summary Judgment and Memorandum in Support thereof was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Ira T. Kasdan

Ira T. Kasdan
Attorney for Plaintiff and the putative class