

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Ronaldo Patino Bandong v. Kilolo Kijakazi

Bandong v. Kijakazi · No. 2:21-CV-00318-KJN · Decided March 13, 2023

SUMMARY

The parties stipulated to an award of \$7,500 in attorney’s fees to the plaintiff under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in connection with the Social Security action. The United States District Court for the Eastern District of California approved the stipulation and entered the order on March 13, 2023.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Kendall J. Newman
DECIDED	March 13, 2023
DOCKET	2:21-CV-00318-KJN
DISPOSITION	approved
PROCEDURAL POSTURE	The parties stipulated to an award of attorney fees to Plaintiff under the Equal Access to Justice Act in connection with this Social Security action, and the court approved the stipulation.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ronaldo Patino Bandong v. Kilolo Kijakazi, Acting Commissioner of Social Security

TOPICS

attorney fees administrative law remedies

PRACTICE AREAS

Social Security administrative law attorney fees

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulation awarding Plaintiff \$7,500 in attorney fees under the Equal Access to Justice Act.

HOLDINGS

1. The court approved the parties' stipulation and ordered an award of \$7,500 in attorney fees to Plaintiff under the Equal Access to Justice Act.

KEY QUOTATIONS

“APPROVED AND SO ORDERED” (Order, lines 21-28)

FACTUAL BACKGROUND

The opinion concerns Plaintiff's request for attorney fees incurred in connection with the civil action. The parties agreed that Plaintiff would receive \$7,500 under the EAJA, representing compensation for all legal services rendered on Plaintiff's behalf in the action. The stipulation addressed possible Treasury Offset Program offsets and payment pursuant to Plaintiff's assignment of the fees to counsel.

PROCEDURAL HISTORY

Plaintiff brought a civil action for review of a Social Security decision in the Eastern District of California. The parties subsequently stipulated to an EAJA attorney-fee award of \$7,500, subject to court approval. The court approved and ordered the stipulated award on March 13, 2023.

DISPOSITION

approved

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521 (2010)

OPINION

FORSLUND LAW, LLC 1 Jacqueline A. Forslund # 154575 2 P.O. Box 4476 Sunriver, OR 97707
3 Telephone: 541-419-0074 Fax: 541-593-4452 4 Email: jaf@forslundlaw.com 5 Attorney for
Plaintiff 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
RONALDO PATINO BANDONG,) Case No. 2:21-CV-00318-KJN 9) Plaintiff) STIPULATION
AND 10) ORDER FOR AWARD OF ATTORNEY'S 11 v.) FEES UNDER THE EQUAL
ACCESS TO) JUSTICE ACT (EAJA) 12 KILOLO KIJAKAZI,) Acting Commissioner of Social
Security,) 13) 14 Defendant)) 15 _____) 16 IT IS
HEREBY STIPULATED by and between the parties through their undersigned counsel, 17 subject
to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal 18
Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SEVEN THOUSAND
FIVE 19 HUNDRED dollars and ZERO cents (\$7,500.00).

This amount represents compensation for all legal 20 services rendered on behalf of Plaintiff by
counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d). 21 After

the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.

The government's ability to honor the assignment will depend on whether the fees and expenses are subject to an offset allowed under the United States Department of the Treasury's Offset Program pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010).

After the order of EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under *Astrue v. Ratcliff*, 130 S. Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's assignment of these amounts to Plaintiff's attorney.

The parties agree that whether these checks are made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise.

Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney fees in connection with this action. Respectfully submitted, Date: March 10, 2023 JACQUELINE A. FORSLUND Attorney at Law /s/Jacqueline A. Forslund JACQUELINE A. FORSLUND Attorney for Plaintiff Date: March 10, 2023 PHILLIP A. TALBERT United States Attorney /s/Caspar Chan CASPAR CHAN Special Assistant United States Attorney *By email authorization Attorney for Defendant ORDER APPROVED AND SO ORDERED Dated: March 13, 2023 —f' band.318 Pec Ahern KENDALL UNITED STATES MAGISTRATE JUDGE Bandong v. Kijakazi Stipulation and Order E.D.

Cal. 2:21-cv-00318-KJN