

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Piroska Smith v. Commissioner of Social Security

Smith · No. 1:23-cv-00660-BAM · Decided July 22, 2025

SUMMARY

This document is a stipulation and order awarding Plaintiff \$11,000 in attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in Smith v. Commissioner of Social Security. The award is subject to Treasury offset procedures and includes no costs under 28 U.S.C. § 1920. The order was entered by Magistrate Judge Barbara A. McAuliffe on July 22, 2025, and denied as moot Plaintiff’s previously filed EAJA fee motion.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
DECIDED	July 22, 2025
DOCKET	1:23-cv-00660-BAM
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a stipulation for an award of attorney fees under the Equal Access to Justice Act. The court approved the stipulation and awarded Plaintiff \$11,000 in fees, denied costs, and denied as moot Plaintiff's previously filed fee motion.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- attorney fees
- costs
- administrative law
- civil procedure

PRACTICE AREAS

- Social Security
- attorney fees
- administrative law

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulation awarding Plaintiff \$11,000 in attorney fees under the Equal Access to Justice Act.

2. Whether Plaintiff's previously filed motion for EAJA attorney fees should remain pending after approval of the stipulated award.

HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$11,000 in attorney fees under 28 U.S.C. § 2412(d), with no costs under 28 U.S.C. § 1920, subject to the terms of the stipulation.
2. Plaintiff's previously filed motion for EAJA attorney fees was denied as moot.

KEY QUOTATIONS

“Pursuant to the parties’ stipulation, IT IS ORDERED that Plaintiff is awarded attorney fees in the amount of ELEVEN THOUSAND DOLLARS AND NO CENTS (\$11,000.00) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the stipulation.” (Order at 2)

FACTUAL BACKGROUND

The parties agreed that Plaintiff should receive \$11,000 in attorney fees under the Equal Access to Justice Act and no costs under 28 U.S.C. § 1920. The stipulated amount covered legal services and costs incurred in connection with this action and Ninth Circuit case No. 24-6911. The stipulation provided that payment would be made to Plaintiff, with direct payment to counsel possible if no federal-debt offset applied.

PROCEDURAL HISTORY

Plaintiff sought attorney fees under the EAJA in connection with the civil action and a related Ninth Circuit action. The parties stipulated to an \$11,000 fee award and no costs, subject to court approval. The court approved the stipulation and denied Plaintiff's prior EAJA fee motion as moot.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 560 U.S. 586 (2010)

OPINION

1 John Metsker, Esq. SBN 268977 THE METSKER LAW FIRM 2 P.O. Box 590881 3 San Francisco, CA 94159 Phone: 866-342-6180 4 Fax: 415-500-4081 5 jmetsker@metskerlaw.com Attorney for Plaintiff 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 PIROSKA SMITH, No. 1:23-cv-00660-BAM 12 Plaintiff, STIPULATION AND [PROPOSED] 13 v. ORDER FOR THE AWARD OF ATTORNEY FEES PURSUANT TO 14 C S E O C M U M R I I S T S Y I, O N E R O F S O C I A L T H E E Q U A L A C C E S S T O J U S T I C E A C T, 28 U.S.C. § 2412(d) 15 Defendant.

16 17 18 IT IS HEREBY STIPULATED by and between the parties through their 19 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded 20 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), 21 22 in the amount of ELEVEN THOUSAND DOLLARS AND NO CENTS 23 (\$11,000.00) and no costs under 28 U.S.C. § 1920. These amounts represent 24 compensation for all legal services rendered and costs incurred on behalf of 25 26 Plaintiff, to date, by counsel in connection with this civil action and civil action No. 27 24-6911 (9th Cir.), in accordance with 28 U.S.C. §§ 2412(d) and 1920.

28 1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the 2 government will consider the matter of Plaintiff's assignment of EAJA fees and 3 expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), 4 5 the ability to honor the assignment will depend on whether the fees are subject to 6 any offset allowed under the United States Department of the Treasury's Offset 7 Program.

After the order for EAJA fees and expenses is entered, the government 8 9 will determine whether they are subject to any offset. 10 Fees and expenses shall be made payable to Plaintiff, but if the Department 11 12 of the Treasury determines that Plaintiff does not owe a federal debt, then the 13 government shall cause the payment of fees to be made directly to Plaintiff's 14 counsel, John D. Metsker, pursuant to the assignment executed by Plaintiff.

Any 15 16 payments made shall be paid via electronic funds transfer (EFT) or via check 17 delivered to Plaintiff's counsel. 18 This stipulation constitutes a compromise settlement of Plaintiff's request for 19 20 EAJA attorney fees and expenses, and does not constitute an admission of liability 21 on the part of Defendant under the EAJA. Payment of the agreed amount shall 22 constitute a complete release from, and bar to, any and all claims that Plaintiff 23 24 and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in 25 connection with this action.

26 ///// 27 28 ///// 1 This award is without prejudice to the rights of Plaintiff's counsel to seek 2 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset 3 provisions of the EAJA. 4 5 6 Respectfully submitted, 7 8 Dated: July 18, 2025 /s/ John David Metsker JOHN DAVID METSKER 9 Attorney for Plaintiff 10 11 12 Dated: July 18, 2025 /s/ Shea Lita Bond* 13 SHEA LITA BOND *As authorized via email on 14 July 18, 2025 15 Special Assistant United States Attorney Office of Program Litigation, Office 7 16 Attorney for Defendant 17 18 19 20 21 22 23 24 25 26 27 28 1 ORDER 2 Pursuant to the parties' stipulation, IT IS ORDERED that Plaintiff is 3 awarded attorney fees in the amount of ELEVEN THOUSAND DOLLARS AND 4 5 NO CENTS (\$11,000.00) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 6 2412(d), and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of 7 the stipulation.

Plaintiff's previously filed motion for EAJA attorney fees (Dkt. No. 8 9 30) is DENIED AS MOOT. 10 11 IT IS SO ORDERED. 12 Dated: July 22, 2025 /s/ Barbara A. McAuliffe _ 13

