

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.

OPINION

(SS) Smith v. Commissioner of Social Security

PER CURIAM.

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 SE 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
ACT, 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 UNITED STATES MAGISTRATE JUDGE

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28