

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Santos v. Commissioner of Social Security

Santos · No. 2:24-cv-03061-JDP · Decided September 4, 2025

OPINION

(SS) Santos v. Commissioner of Social Security

PER CURIAM.

1 Jonathan O. Peña, Esq. 2 CA Bar ID No.: 278044 Peña & Bromberg, PLC 3 3467 W. Shaw Ave.,
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9 UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

11 12 Candy Jean Santos, Case No. 2:24-cv-03061-JDP 13 Plaintiff, STIPULATION FOR THE
AWARD

14 AND PAYMENT OF ATTORNEY

v. FEES AND EXPENSES PURSUANT

15 TO THE EQUAL ACCESS TO

16 Frank Bisignano¹, COMMISSIONER JUSTICE ACT; |PROPOSED| ORDER
OF SOCIAL SECURITY,

17 18 Defendant. 19 IT IS HEREBY STIPULATED by and between the parties through their 20
undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded 21 attorney
fees and expenses in the amount of FIVE THOUSAND DOLLARS 22 (\$5,000.00) under the
Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), 23 amount represents compensation for
all legal services rendered on behalf of Plaintiff by 24 25 1 Frank Bisignano became the
Commissioner of Social Security on May 7, 2025. 26 Pursuant to Rule 25(d) of the Federal Rules
of Civil Procedure, Frank Bisignano should be substituted for Leland Dudeck as the defendant in
this suit. No further action need be 27 taken to continue this suit by reason of the last sentence of
section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). 1 counsel in connection with this
civil action, in accordance with 28 U.S.C. §§ 1920, 2 2412(d). 3 Plaintiff was the prevailing party
in this matter and Plaintiff is an individual 4 whose net worth does not exceed \$2,000,000 at the
time the civil action was filed. 5 After the Court issues an order for EAJA fees to Plaintiff, the
government will 6 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's
attorney. 7 Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this 8
Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program 9 (31

U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to 10 Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, 11 the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to 12 his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset 13 under the Treasury Offset Program, and (3) agrees to waive the requirements of the 14 Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney, 15 16 JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA & BROMBERG, PC. 17 However, if there is a debt owed under the Treasury Offset Program, the Commissioner 18 cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining 19 EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made 20 out to Plaintiff, but delivered to Plaintiff's attorney, JONATHAN O. PEÑA- 21 MANCINAS at the firm, PEÑA & BROMBERG, PC. 22 This stipulation constitutes a compromise settlement of Plaintiff's request for 23 EAJA attorney fees, and does not constitute an admission of liability on the part of 24 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute 25 a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel 26 including Counsel's firm may have relating to EAJA attorney fees in connection with 27 this action. 1 The parties further agree that the EAJA award is without prejudice to the right of 2 Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42 3 U.S.C. § 406(b), subject to the offset provisions of the EAJA. See 28 U.S.C. § 4 2412(c)(1) (2006). 5 Respectfully submitted, 6 7 Dated: September 3, 2025 /s/ Jonathan O. Peña 8 J ONATHAN O. PEÑA

Attorney for Plaintiff 9 10 Dated: _____ ERIC GRANT 11 United States Attorney
MATHEW W. PILE

12 Associate General Counsel 13 Office of Program Litigation Social Security Administration 14
15 By: *_Marcelo N. Illarmo Marcelo N. Illarmo 16 Special Assistant U.S. Attorney 17
Attorneys for Defendant (*Permission to use electronic signature 18 obtained via email on
September 3, 2025). 19 20 21 22 23 24 25 26 27

{PROPOSED! ORDER

2 3 Based upon the parties' Stipulation for the Award and Payment of Equal Access 4 || to Justice
Act Fees and Expenses (the "Stipulation"), IT IS ORDERED that fees and expenses in the
amount of FIVE THOUSAND 7 || DOLLARS (\$5,000.00) as authorized by the Equal Access to
Justice Act (EAJA), 28 8 || U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation. 9
10 | IT IS SO ORDERED. 12 || Dated: __September 4, 2025 gyn Wis

JEREMY D. PETERSON

13 UNITED STATES MAGISTRATE JUDGE

14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _4-