

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Danielle Derden v. Commissioner of Social Security

No. 24-cv-7987-JST (N.D. Cal. June 26, 2025) · No. 24-cv-7987-JST · Decided June 26, 2025

SUMMARY

This document is a stipulation and proposed order resolving Plaintiff Danielle Derden's request for attorney fees under the Equal Access to Justice Act in a Social Security action. The court approved an award of \$7,000, subject to the Treasury Offset Program and payment conditions described in the stipulation.

OPINION

Derden v. Dudek

PER CURIAM.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

7) CASE NO. 24-cv-7987-JST

8 DANIELLE DERDEN)

) STIPULATION AND PROPOSED

9 Plaintiff,) ORDER APPROVING SETTLEMENT

) OF ATTORNEY FEES PURSUANT TO

10 vs.) THE EQUAL ACCESS TO JUSTICE

) ACT

11 Commissioner Of Social Security,)) 12 Defendant.)) 13) 15 IT IS HEREBY STIPULATED
by and between the parties through their undersigned counsel, 15 subject to the approval of the
Court, that Plaintiff be awarded attorney fees under the Equal Access to 16 Justice Act (EAJA), 28
U.S.C. § 2412(d), in the amount of SEVEN THOUSAND DOLLARS (\$7,000). 17 This amount
represents compensation for all legal services rendered on behalf of Plaintiff by Plaintiff's 18
counsel, Katherine R. Siegfried (Plaintiff's Attorney), in connection with this civil action, in
accordance 19 with 28 U.S.C. §§ 1920, 2412(d). Plaintiff was the prevailing party in this matter
and their net worth is 20 less than two million dollars. See, ECF Doc. 2. After the Court issues an
order for EAJA fees to the 21 Plaintiff, the government will consider the matter of the Plaintiff's

assignment of EAJA fees to the 22 Plaintiff's Attorney. 23 Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court 24 belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 25 3716(c)(3)(B) (2006)). Any EAJA fees should, therefore, be awarded to Plaintiff and not to Plaintiff's 26 attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff 27 has assigned their right to EAJA fees to their attorney; (2) determines that Plaintiff does not owe a debt 28

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1 that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of 2 the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney. However, if 3 there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the 4 requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a 5 check or electronic fund transfer (EFT) made out to Plaintiff but delivered to Plaintiff's attorney. 6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees 7 and expenses. It does not constitute an admission of liability on the part of Defendant under the EAJA or 8 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, all claims 9 that Plaintiff and/or Plaintiff's Attorney, including the Law Office of Katherine Siegfried, may have 10 concerning EAJA attorney fees and expenses in connection with this action. This award is without 11 prejudice to the rights of the Law Office of Katherine Siegfried to seek Social Security Act attorney fees 12 under 42 U.S.C. § 406, subject to the savings provisions of the EAJA. 13 15 Date: June 18, 2025 KATHERINE SIEGFRIED 15 Law Office of Katherine Siegfried, Esq. 16 By: /s/Katherine Siegfried Katherine Siegfried 17 Attorney for the Plaintiff 18 Date: June 18, 2025 PATRICK D. ROBBINS 19 Acting United States Attorney 20 By: /s/ Oscar Gonzalez 21 Oscar Gonzalez 22 Special Assistant United States Attorney Attorney for Defendant 23 (As authorized per email) 24 25 26 27 28

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1 ORDER

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PURSUANT TO STIPULATION, EQUAL ACCESS TO JUSTICE (EAJA) ATTORNEY FEES ARE

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ORDERED IN THE AMOUNT OF SEVEN THOUSAND DOLLARS (\$7,000), SUBJECT TO

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OFFSET UNDER THE TREASURY OFFSET PROGRAM, AND SHALL BE PAID IN THE 5 MANNER OUTLINED IN THE PARTIES' STIPULATION. 6

7 Dated: June 26, 2025 8

Hon. Jon S. Tigar

UNITED STATES DISTRICT COURT JUDGE

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