

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Brown v. Kijakazi

Brown · No. 23-cv-6198-RMI · Decided April 11, 2025

SUMMARY

This document is a stipulation and proposed order resolving Robert Brown’s request for attorney fees under the Equal Access to Justice Act in a Social Security action against the Acting Commissioner of Social Security. The court ordered EAJA fees of \$10,073, subject to the Treasury Offset Program and payable as outlined in the parties’ stipulation.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Robert M. Illman
DECIDED	April 11, 2025
DOCKET	23-cv-6198-RMI
DISPOSITION	approved
PROCEDURAL POSTURE	The parties stipulated to an award of attorney fees under the Equal Access to Justice Act after Plaintiff prevailed in the underlying Social Security action. The court approved the stipulation and ordered payment of \$10,073, subject to offset under the Treasury Offset Program.
PRECEDENTIAL VALUE	unpublished
PARTIES	Robert Brown v. Leland Deduk, Acting Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulated award of \$10,073 in attorney fees under the Equal Access to Justice Act.
2. Whether the EAJA award should be subject to offset under the Treasury Offset Program and paid in accordance with the parties' stipulated conditions.

HOLDINGS

1. The court approved and ordered an EAJA attorney-fee award of \$10,073.
2. The EAJA fees are awarded to Plaintiff and are subject to offset under the Treasury Offset Program; payment may be made to Plaintiff's attorney only if the stipulated assignment, debt-offset, and Anti-Assignment Act conditions are satisfied.

KEY QUOTATIONS

“PURSUANT TO STIPULATION, EQUAL ACCESS TO JUSTICE (EAJA) ATTORNEY FEES ARE ORDERED IN THE AMOUNT OF \$10,073, SUBJECT TO OFFSET UNDER THE TREASURY OFFSET PROGRAM, AND SHALL BE PAID IN THE MANNER OUTLINED [IN] THE PARTIES’ STIPULATION.”

(Order at 1)

FACTUAL BACKGROUND

Robert Brown prevailed in the underlying civil action against the Commissioner of Social Security. The parties agreed that Plaintiff was entitled to \$10,073 in attorney fees under the EAJA and represented that Plaintiff's net worth was less than \$2 million. The stipulation stated that the award belonged to Plaintiff, was subject to Treasury Offset Program procedures, and would be payable to counsel only if the statutory and assignment conditions were satisfied.

PROCEDURAL HISTORY

Plaintiff brought a civil action concerning Social Security benefits and was the prevailing party. Plaintiff and the Commissioner stipulated to an EAJA fee award of \$10,073, and the stipulation was submitted for court approval. The court entered an order approving the stipulated award on April 11, 2025.

DISPOSITION

approved

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010)

OPINION

Brown v. Kijakazi

PER CURIAM.

2 1939 Harrison St, Suite 120 Oakland, CA 94612 3 Ph: 510.465.0018 Fax: 510.217.3979 Email:

kat@siegfriedlegal.com 4 Attorney for Plaintiff, ROBERT BROWN 5

UNITED STATES DISTRICT COURT

6 NORTHERN DISTRICT OF CALIFORNIA

7 ROBERT BROWN,

8 Plaintiff, CIVIL NO. 23-cv-6198-RMI

9 v. STIPULATION AND PROPOSED ORDER

APPROVING SETTLEMENT OF

10 LELAND DEDUK, 1 Acting ATTORNEY FEES PURSUANT TO THE

Commissioner of Social Security, EQUAL ACCESS TO JUSTICE ACT 11 12 Defendant 13 14 15

IT IS HEREBY STIPULATED by and between the parties through their undersigned 16 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the 17 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TEN THOUSAND 18 AND SEVENTY-THREE DOLLARS (\$10,073). This amount represents compensation for all 19 legal services rendered on behalf of Plaintiff by Plaintiff's counsel, Katherine R. Siegfried 20 (Plaintiff's Attorney), in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 21 2412(d). Plaintiff was the prevailing party in this matter and their net worth is less than two 22 million dollars. See, ECF Doc. 2. After the Court issues an order for EAJA fees to the Plaintiff, 23 24 25 1 Leland Deduk became the Acting Commissioner of Social Security on February 18, 2025. Pursuant to Rule 25(d) of the F.R.C.P., Leland Deduk should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. section 2 Plaintiff's Attorney. 3 Under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this 4 Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 5 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should, therefore, be awarded to Plaintiff and 6 not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) 7 8 determines that Plaintiff has assigned their right to EAJA fees to their attorney; (2) determines 9 that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and 10 (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be 11 made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset 12 Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, 13 and the remaining EAJA fees after offset will be paid by a check or electronic fund transfer 14 (EFT) made out to Plaintiff but delivered to Plaintiff's attorney. 15 16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA 17 attorney fees and expenses. It does not constitute an admission of liability on the part of 18 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a 19 complete release from, and bar to, all claims that Plaintiff and/or Plaintiff's Attorney, including 20 the Law Office of Katherine Siegfried, may have concerning EAJA attorney fees and expenses in 21 connection with this action. This award is without prejudice to the rights of the Law Office of 22 Katherine Siegfried to seek Social Security

Act attorney fees under 42 U.S.C. § 406, subject to 23 the savings provisions of the EAJA. 24 25
1 April 4, 2025 KATHERINE SIEGFRIED

Law Office of Katherine Siegfried, Esq. 3 By: 1G Dg Katherine Siegfried a Attorney for the
Plaintiff

5 April 4, 2025 PATRICK D. ROBBINS

Acting United States Attorney 6 7 By: /s/ Frederick Fripps (authorized by email) Frederick Fripps
8 Special Assistant United States Attorney 9 Attorneys for Defendant 10 11 12 13 14 15 16 17 18
19 20 21 22 23 24 25

STIPULATION FOR EAJA FEES

23-cv-6198-RMI 1 2

; ORDER

, |PURSUANT TO STIPULATION, EQUAL ACCESS TO JUSTICE (EAJA) ATTORNEY FEES
ARE ORDERED IN THE AMOUNT OF \$10,073, SUBJECT TO OFFSET UNDER THE
>| TREASURY OFFSET PROGRAM, AND SHALL BE PAID IN THE MANNER OUTLINED
° THE PARTIES? STIPULATION. 8 | Dated: April 11, 2025 {Mt LZ 9 on. Robert M. Illman
UNITED STATES MAGISTRATE JUDGE

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

STIPULATION FOR EAJA FEES

23-cv-6198-RMI