

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

**Brown v. Kijakazi**

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

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**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.

**OPINION**

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,1Acting 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