

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

Brown v. Kijakazi

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

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,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 made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made out to Plaintiff but delivered to Plaintiff's attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses. It does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, all claims that Plaintiff and/or Plaintiff's Attorney, including the Law Office of Katherine Siegfried, may have concerning EAJA attorney fees and expenses in connection with this action. This award is without prejudice to the rights of the Law Office of Katherine Siegfried to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the savings provisions of the EAJA.

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

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STIPULATION FOR EAJA FEES

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