

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Suzi Marie H. v. Frank Bisignano

Suzi Marie H. · No. 22-cv-1963-WQH-AHG · Decided July 17, 2025

SUMMARY

The United States District Court for the Southern District of California granted Plaintiff’s counsel’s motion for attorney fees under 42 U.S.C. § 406(b) in the amount of \$15,000. The court found the requested fee reasonable based on the contingent-fee agreement, the favorable result obtained, the hours expended, and the absence of fraud, overreach, substandard performance, or undue delay. Because counsel had previously received \$5,500 in EAJA fees, the court ordered counsel to refund that amount to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	William Q. Hayes
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 17, 2025
DOCKET	22-cv-1963-WQH-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for an award of attorney fees after the court reversed the Commissioner's denial of disability benefits and remanded for further administrative proceedings, resulting in an award of past-due benefits.
STANDARD OF REVIEW	The court reviewed the requested § 406(b) fee for reasonableness, beginning with the lawful contingent-fee agreement and considering whether the fee was excessive in relation to the time expended and benefits obtained, or warranted reduction for substandard performance or delay.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated
PARTIES	Suzi Marie H. v. Frank Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

attorney fees

remedies

civil procedure

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the requested \$15,000 attorney-fee award was reasonable under 42 U.S.C. § 406(b).
2. Whether counsel was required to refund the previously awarded \$5,500 in EAJA fees to Plaintiff.

HOLDINGS

1. The requested \$15,000 fee was reasonable under 42 U.S.C. § 406(b) and should be awarded.
2. Counsel must refund the \$5,500 EAJA fee previously awarded to Plaintiff.

KEY QUOTATIONS

“The court may properly reduce the fee for substandard performance, delay, or benefits that are not in proportion to the time spent on the case.” (Discussion)

“IT IS HEREBY ORDERED that the Motion for Attorney’s Fees (ECF No. 26) is granted. Fees in the amount of \$15,000.00 are awarded to Plaintiff’s Counsel pursuant to 15 U.S.C. § 406(b).” (Conclusion)

FACTUAL BACKGROUND

Plaintiff's counsel represented her in federal court in an action challenging the denial of disability benefits. After the court remanded the case, the ALJ found Plaintiff disabled and awarded approximately \$73,330.90 in past-due benefits. Counsel reported expending 26.65 hours on the federal litigation and sought \$15,000 in § 406(b) fees, while having previously received a \$5,500 EAJA award that had to be refunded to Plaintiff.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's denial of disability benefits. The court adopted a magistrate judge's recommendation, reversed the denial, and remanded for further proceedings. On remand, the ALJ found Plaintiff disabled and awarded approximately \$73,330.90 in past-due benefits. The court had previously awarded \$5,500 in EAJA fees, and Plaintiff's counsel subsequently sought \$15,000 under § 406(b).

DISPOSITION

other

REMAND INSTRUCTIONS

The Commissioner was directed to certify the \$15,000 fee. Counsel was directed to refund the \$5,500 EAJA fee to Plaintiff.

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002)
- *Culbertson v. Berryhill*, 586 U.S. 53 (2019)
- *Crawford v. Astrue*, 586 F.3d 1142 (9th Cir. 2009)

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