

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

J.M.V. v. Commissioner of Social Security

No. 23-cv-03640-JCS (N.D. Cal. Nov. 28, 2025) · No. 23-cv-03640-JCS · Decided November 28, 2025

SUMMARY

The United States District Court for the Northern District of California granted counsel's motion for \$11,000 in attorney's fees under 42 U.S.C. § 406(b) following a remand in a Social Security case. The court found the contingent-fee agreement and requested amount reasonable, and directed that the previously awarded \$7,500 in EAJA fees be paid to the claimant.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Joseph C. Spero
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 28, 2025
DOCKET	23-cv-03640-JCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for an award of attorney's fees under 42 U.S.C. § 406(b) after the Commissioner stipulated to remand the Social Security case for further proceedings and the Court previously approved an EAJA fee award.
STANDARD OF REVIEW	Reasonableness review under 42 U.S.C. § 406(b), beginning with the contingent-fee agreement and considering the character of the representation, the results achieved, substandard performance, delay, proportionality to time spent, and the effective hourly rate.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	J.M.V. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether counsel's requested \$11,000 fee was reasonable under 42 U.S.C. § 406(b) and the governing contingency-fee agreement.
2. Whether the previously awarded \$7,500 EAJA fee must be paid to J.M.V. as an offset against the § 406(b) award.

HOLDINGS

1. The requested \$11,000 fee was reasonable and authorized under § 406(b) because it complied with the 25% statutory and contractual cap, was supported by a valid contingency-fee agreement and reasonable time records, and was not excessive in light of counsel's performance, result, risk, or effective hourly rate.
2. The \$7,500 EAJA fee previously awarded to counsel must be paid to J.M.V. as an offset against the § 406(b) fee award.

KEY QUOTATIONS

“Under Gisbrecht, courts should “approach fee determinations [under § 406(b)] by looking first to the contingent-fee agreement, then testing it for reasonableness,” and may reduce the recovery “based on the character of the representation and the results the representative achieved.”” (III)

“Accordingly, “an EAJA award offsets an award under [42 U.S.C. § 406(b)],” increasing “up to the point the claimant receives 100 percent of the past-due benefits.”” (III)

FACTUAL BACKGROUND

J.M.V. entered into a contingency-fee agreement providing counsel 25% of past-due benefits recovered as a result of the action. Counsel documented 29.9 hours of work before the district court. The Social Security Administration awarded \$73,386 in past-due benefits and withheld \$18,346.50 for attorney's fees; counsel sought \$11,000 under § 406(b), producing an effective hourly rate of \$367.89.

PROCEDURAL HISTORY

J.M.V. filed a motion for summary judgment, and the Commissioner stipulated to remand for further proceedings. The Court approved a stipulated EAJA fee award of \$7,500 on December 20, 2023. After the Social Security Administration awarded \$73,386 in past-due benefits and withheld \$18,346.50 for attorney's fees, counsel moved for \$11,000 under § 406(b). The Court granted the motion and directed that the previously awarded EAJA fees be paid to J.M.V.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 793-94, 796, 808 (2002)
- *Crawford v. Astrue*, 586 F.3d 1142, 1151, 1153 (9th Cir. 2009)
- *Hearn v. Barnhart*, 262 F. Supp. 2d 1033, 1037 (N.D. Cal. 2003)
- *Reddick v. Berryhill*, 2019 WL 1112080, at *2-*3 (S.D. Cal. 2019)

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