

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Darlene Gail Thomas v. Leland Dudek

Thomas v. Dudek · No. 2:25-cv-00011-JDP · Decided March 25, 2025

SUMMARY

This document is a stipulation and proposed order awarding attorney fees and expenses under the Equal Access to Justice Act and costs under 28 U.S.C. § 1920 in a Social Security action. The proposed award consists of \$3,950.00 in EAJA fees and expenses and \$405.00 in costs, subject to Treasury offset procedures and the stated payment terms.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
DECIDED	March 25, 2025
DOCKET	2:25-cv-00011-JDP
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff and the Commissioner stipulated to an award of attorney fees and expenses under the Equal Access to Justice Act and costs under 28 U.S.C. § 1920. The court approved the stipulation and entered the proposed order.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

attorney fees costs civil procedure administrative law

PRACTICE AREAS

Social Security administrative law civil procedure attorney fees

QUESTIONS PRESENTED

- Whether the court should approve the parties' stipulated award of \$3,950.00 in attorney fees and expenses under the Equal Access to Justice Act.
- Whether the court should award \$405.00 in costs under 28 U.S.C. § 1920, subject to the terms of the stipulation.

HOLDINGS

1. The court approved an award of \$3,950.00 in attorney fees and expenses under 28 U.S.C. § 2412, subject to the terms of the parties' stipulation.
2. The court approved an award of \$405.00 in costs under 28 U.S.C. § 1920, subject to the terms of the stipulation.

FACTUAL BACKGROUND

The action involved a claim for Social Security benefits brought by Darlene Gail Thomas on behalf of Jana Leigh Thomas, deceased. The parties agreed to resolve the request for EAJA fees and expenses through a stipulated award of \$3,950.00, together with \$405.00 in costs. The stipulation addressed payment to the plaintiff, possible Treasury offset, assignment to plaintiff's counsel, and preservation of counsel's ability to seek fees under 42 U.S.C. § 406(b).

PROCEDURAL HISTORY

Darlene Gail Thomas brought this Social Security action on behalf of Jana Leigh Thomas, deceased. The parties submitted a stipulation requesting \$3,950.00 in EAJA attorney fees and expenses and \$405.00 in costs. The court approved the stipulated award subject to the stipulation's terms.

DISPOSITION

approved

CASES CITED

- Astrue v. Ratliff, 560 U.S. 586, 598 (2010)

OPINION

(SS) Thomas v. Commissioner of Social Security

PER CURIAM.

1 Francesco Benavides, CSBN 258924 Law Offices of Francesco Benavides 2 1990 N. California
Blvd. 8th Floor Walnut Creek, CA 94596 3 Tel: (925) 222-7071 4 Email:
francesco@benavidesdisabilitylaw.com 5 Attorney for Plaintiff

6 DARLENE GAIL THOMAS

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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10 SACRAMENTO DIVISION

11 DARLENE GAIL THOMAS, on Case No. 2:25-cv-00011-JDP 12 behalf of JANA LEIGH

THOMAS, 13 deceased, STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND

14 Plaintiff, EXPENSES PURSUANT TO THE 15 EQUAL ACCESS TO JUSTICE ACT;
v. [PROPOSED] ORDER

16 17 LELAND DUDEK, Acting Commissioner of Social Security, 18 19 Defendant. 20 IT IS
HEREBY STIPULATED by and between the parties through their 21 undersigned counsel, subject
to the approval of the Court, that Plaintiff be awarded 22 attorney fees and expenses in the amount
of \$3,950.00, under the Equal Access to 23 Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$405.00
in costs under 28 U.S.C. § 1920. 24 This amount represents compensation for all legal services
rendered on behalf of 25 Plaintiff by counsel in connection with this civil action, in accordance
with 28 U.S.C. 26 §§ 2412(d), 1920. 27 After the Court issues an order for EAJA fees to Plaintiff,
the government will 1 Astrue v. Ratliff, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010),
the ability 2 to honor the assignment will depend on whether the fees are subject to any offset 3
allowed under the United States Department of the Treasury's Offset Program. After 4 the order
for EAJA fees is entered, the government will determine whether they are 5 subject to any offset. 6
Fees shall be made payable to Plaintiff, but if the Department of the Treasury 7 determines that
Plaintiff does not owe a federal debt, then the government shall cause 8 the payment of fees,
expenses and costs to be made directly to Plaintiff's counsel, 9 Francesco Benavides, pursuant to
the assignment executed by Plaintiff. 10 Payments may be made by electronic funds transfer
(EFT) or by check. 11 This stipulation constitutes a compromise settlement of Plaintiff's request
for 12 EAJA attorney fees and does not constitute an admission of liability on the part of 13
Defendant under the EAJA or otherwise. Payment of the agreed amount shall 14 constitute a
complete release from, and bar to, any and all claims that Plaintiff and/or 15 Francesco Benavides,
including the Law Offices of Francesco Benavides, may have 16 relating to EAJA attorney fees in
connection with this action. 17 This award is without prejudice to the rights of Francesco
Benavides to seek 18 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the
savings 19 clause provisions of the EAJA. 20 21 Respectfully submitted, 22 23 Dated: March 25,
2025 Law Offices of Francesco Benavides 24 By: /s/ Francesco Benavides 25

FRANCESCO P. BENAVIDES

26 Attorney for Plaintiff 27 1 2 Dated: March 25, 2025 MICHELE BECKWITH 3 Acting United
States Attorney

4 MATHEW W. PILE

Associate General Counsel 5 Social Security Administration 6 By: L. Jamala Edwards* 7

L. JAMALA EDWARDS

8 Special Assistant U.S. Attorney 9 Attorneys for Defendant (*Permission to use electronic
signature 10 obtained via email on March 25, 2025). 11 12 13 14 15 16 17 18 19 20 21 22 23 24
25 26 27

1 {PROPOSED} ORDER

2 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act
Fees and Expenses, IT IS ORDERED that fees and expenses in the 5 || amount of \$3,950.00 as
authorized by 28 U.S.C. § 2412, and \$405.00 in costs under 28 6 || U.S.C. § 1920, be awarded
subject to the terms of the Stipulation. 7 8 || IT IS SO ORDERED. 9 / 10 || Dated: _ March 25,
2025 ssn (bNpoe_——

JEREMY D. PETERSON

11 UNITED STATES MAGISTRATE JUDGE

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