

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

OPINION

(SS) Thomas v. Commissioner of Social Security

PER CURIAM.

1 Francesco Benavides, CSBN 258924 Law Offices of Francesco Benavides 2 1990 N. California
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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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