

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Matthew H. v. Leland Dudek

Matthew H. · No. 21-cv-07897-JSC · Decided April 7, 2025

SUMMARY

The United States District Court for the Northern District of California granted plaintiff’s counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a successful appeal and remand of the denial of Social Security disability benefits. The court approved \$10,143.50 in fees, finding the amount reasonable under the contingency-fee agreement and applicable case law, and ordered counsel to refund \$6,500 in previously awarded EAJA fees to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 7, 2025
DOCKET	21-cv-07897-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 42 U.S.C. § 406(b) for attorney's fees incurred in successfully obtaining a sentence-four remand of the Commissioner's denial of Social Security disability benefits.
STANDARD OF REVIEW	The court independently reviewed the contingency-fee agreement and the requested fee for reasonableness under 42 U.S.C. § 406(b), considering the representation provided, results achieved, counsel's conduct, the size of the fee relative to the benefits, and the risk assumed.
PRECEDENTIAL VALUE	unpublished
PARTIES	Matthew H. v. Leland Dudek, Acting Commissioner of Social Security

TOPICS

- attorney fees
- judicial review of agency action
- administrative law
- summary judgment
- remedies

PRACTICE AREAS

Social Security

administrative law

attorney fees

QUESTIONS PRESENTED

1. Whether the requested attorney's fee under 42 U.S.C. § 406(b) was reasonable and within the statutory 25-percent limitation.
2. Whether the § 406(b) award had to be offset by the previously awarded EAJA fees.
3. Whether counsel's requested reduction for scheduling delays should be treated as a refund or excluded from the fee award.

HOLDINGS

1. A court may approve a contingency-fee agreement under 42 U.S.C. § 406(b) only after independently reviewing the requested fee for reasonableness; the court approved \$10,143.50 as reasonable because the agreement was within the 25-percent statutory ceiling, counsel achieved a favorable remand and benefits award, there was no substandard or deliberately dilatory representation, the fee was not excessive in relation to the benefits, and counsel assumed substantial risk.
2. An award of § 406(b) attorney's fees must be offset by any EAJA fee award, and counsel must refund the previously awarded \$6,500.00 in EAJA fees to Plaintiff.
3. The court declined to award the additional \$715.00 because counsel conceded that she was not entitled to those fees; the SSA was directed to release the remaining amount to Plaintiff.

KEY QUOTATIONS

“Under Section 406(b), a court must serve “as an independent check” of contingency fee agreements “to assure that they yield reasonable results.”” (Legal Standard)

“While counsel proposes this amount be awarded as fees which she will “refund” to Plaintiff, the proper course, given counsel’s concession she is not entitled to these fees, is to decline to award them.” (Discussion)

FACTUAL BACKGROUND

Plaintiff sought Social Security disability benefits for physical impairments including osteoporosis, seizure disorder, alcohol abuse, and hyperparathyroidism. After Plaintiff moved for summary judgment, the Commissioner stipulated to a voluntary sentence-four remand, and the SSA later found Plaintiff disabled as of January 1, 2019, awarding \$72,234.00 in past-due benefits. The SSA withheld 25 percent of those benefits, or \$18,058.50, for attorney's fees; counsel had separately received \$7,200.00 under § 406(a) and sought \$10,858.50 under § 406(b).

PROCEDURAL HISTORY

Plaintiff filed a motion for summary judgment challenging the denial of disability benefits. The Commissioner stipulated to a voluntary remand under 42 U.S.C. § 405(g), sentence four, and the court remanded the matter. On

remand, the SSA found Plaintiff disabled and awarded \$72,234.00 in past-due benefits. The court had previously awarded counsel \$6,500.00 under the EAJA, and counsel then sought \$10,858.50 under § 406(b).

DISPOSITION

other

REMAND INSTRUCTIONS

The SSA was directed to certify \$10,143.50 in § 406(b) fees payable to The Law Offices of Patricia L. McCabe, release the remaining withheld amount to Plaintiff, and counsel was ordered to refund Plaintiff the previously awarded \$6,500.00 in EAJA fees.

CASES CITED

- Crawford v. Astrue, 586 F.3d 1142, 1144 (9th Cir. 2009) (en banc)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-08 (2002)
- Parrish v. Commissioner of Social Security Administration, 698 F.3d 1215, 1218 (9th Cir. 2012)
- James F. v. King, 2025 WL 510432 (N.D. Cal. Feb. 14, 2025)
- Mirto v. Colvin, No. 23-CV-03198-SVK, 2024 WL 5250081 (N.D. Cal. Dec. 30, 2024)
- Barton v. Colvin, No. 21-CV-9662-RMI, 2024 WL 5173257 (N.D. Cal. Dec. 18, 2024)

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