

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Shane H. v. Frank Bisignano

No. 19-cv-1435-RSH-KSC (S.D. Cal. Dec. 22, 2025) · No. 19-cv-1435-RSH-KSC · Decided December 22,
2025

SUMMARY

The United States District Court for the Southern District of California grants Plaintiff’s counsel’s motion for attorneys’ fees under 42 U.S.C. § 406(b). The court approves \$63,308, representing 25% of the claimant’s past-due Social Security benefits, and directs the Commissioner to pay counsel \$52,667.75 after offsetting previously awarded EAJA fees. The court finds the contingent-fee agreement and requested amount reasonable.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 22, 2025
DOCKET	19-cv-1435-RSH-KSC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for an award of attorney's fees from past-due Social Security benefits after the Commissioner issued a favorable decision on remand. The Commissioner neither supported nor opposed the motion.
STANDARD OF REVIEW	The Court reviewed the requested § 406(b) fee for reasonableness, beginning with the lawful contingent-fee agreement and considering whether reduction was warranted for substandard representation, delay, fraud or overreaching, or a windfall.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation or stated precedential designation.
PARTIES	Shane H. v. Frank Bisignano, Commissioner of Social Security

TOPICS

attorney fees

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security

attorney's fees

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the contingent-fee agreement providing counsel 25 percent of Plaintiff's past-due benefits complied with the statutory limit under 42 U.S.C. § 406(b)(1)(A).
2. Whether the requested \$63,308 attorney's-fee award was reasonable under § 406(b), including whether it should be reduced because of substandard representation, delay, fraud or overreaching, or a windfall.
3. Whether the § 406(b) award had to be offset by the EAJA fees previously awarded for the same work.

HOLDINGS

1. A contingent-fee agreement providing counsel 25 percent of the claimant's past-due benefits is within the statutory limit imposed by § 406(b)(1)(A).
2. The requested \$63,308 fee was reasonable and should not be reduced.
3. The § 406(b) award must be offset by the EAJA fees previously awarded for the same work, resulting in a net payment of \$52,667.75.

KEY QUOTATIONS

“Within the 25 percent boundary ... the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” (Opinion at 2)

“The court ‘first look[s] to the fee agreement and then adjust[s] downward if the attorney provided substandard representation or delayed the case, or if the requested fee would result in a windfall.’” (Opinion at 2)

“a lawyer is required to ‘offset any fees received under § 406(b) with any award that the attorney receives under § 2412 if the two were for the ‘same work.’” (Opinion at 2)

FACTUAL BACKGROUND

Counsel represented Plaintiff in federal judicial-review proceedings concerning the denial of disability insurance benefits. Following two remands, the Commissioner ruled in Plaintiff's favor and awarded \$253,232 in past-due benefits, withholding \$63,308, or 25 percent, for potential attorney's fees. Counsel documented 49.5 hours of district-court work and sought the withheld amount, offset by \$10,640.25 in EAJA fees previously awarded for the same work.

PROCEDURAL HISTORY

Plaintiff filed this action on July 30, 2019, seeking review of the Commissioner's denial of disability insurance benefits. The parties stipulated to a sentence-four remand under 42 U.S.C. § 405(g), and the Court remanded the

case on April 28, 2020. The Court subsequently awarded \$7,532.67 in EAJA fees. After further administrative proceedings and a second federal action and remand, the Commissioner awarded Plaintiff \$253,232 in past-due benefits and withheld \$63,308, representing 25 percent, for possible attorney's fees. Plaintiff's counsel then moved for the withheld amount less the previously awarded EAJA fees, and the Court granted the motion.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 793, 796, 802, 807-808 (2002)
- *Crawford v. Astrue*, 586 F.3d 1142, 1145, 1147-1148, 1151 (9th Cir. 2009) (en banc)
- *Parrish v. Comm'r of SSA*, 698 F.3d 1215, 1218 (9th Cir. 2012)
- *Branch v. Bisignano*, No. 21-cv-785-KSC, 2025 WL 3238183, at *3 (S.D. Cal. Nov. 20, 2025)
- *Roland S. v. Kijakazi*, No. 3:20-CV-01068-AHG, 2023 WL 6966153, at *3 (S.D. Cal. Oct. 20, 2023)
- *Desiree D. v. Saul*, No. 3:19-CV-01522-RBM, 2021 WL 1564331, at *3 (S.D. Cal. Apr. 20, 2021)
- *Martinez v. Saul*, 15-CV-1994-BTM-BGS, 2019 WL 3322481, at *2 (S.D. Cal. July 24, 2019)