

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hannah Nicole Hayes v. Frank Bisignano

Hayes · No. 1:25-cv-00215-SKO · Decided July 9, 2025

SUMMARY

This document is a stipulation and unopposed motion for an award of attorney fees and expenses under the Equal Access to Justice Act in a Social Security action. The court approved an award of \$8,150 in fees and expenses, with no costs under 28 U.S.C. § 1920, subject to the terms of the stipulation.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
DECIDED	July 9, 2025
DOCKET	1:25-cv-00215-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a stipulation and unopposed motion seeking an award of attorney fees and expenses under the Equal Access to Justice Act. The court approved the stipulation and ordered the award.
PRECEDENTIAL VALUE	Nonprecedential order
PARTIES	Hannah Nicole Hayes v. Frank Bisignano, Commissioner of Social Security

TOPICS

- attorney fees administrative law remedies civil procedure

PRACTICE AREAS

- Social Security administrative law attorney fees

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation and award Plaintiff \$8,150 in attorney fees and expenses under the Equal Access to Justice Act.

2. Whether costs should be awarded under 28 U.S.C. § 1920.

HOLDINGS

1. The court approved the parties' stipulation and awarded Plaintiff \$8,150 in attorney fees and expenses as authorized by 28 U.S.C. § 2412, subject to the stipulation's terms.
2. No costs were awarded under 28 U.S.C. § 1920.

FACTUAL BACKGROUND

Plaintiff sought attorney fees and expenses incurred in connection with this civil action. The parties stipulated to an EAJA award of \$8,150, with payment payable to Plaintiff and potentially directed to counsel if the Department of the Treasury determined that Plaintiff owed no federal debt.

PROCEDURAL HISTORY

In this Social Security action, the parties agreed to resolve Plaintiff's request for EAJA fees and expenses. The court awarded Plaintiff \$8,150 in fees and expenses under 28 U.S.C. § 2412 and denied costs under 28 U.S.C. § 1920, subject to the terms of the stipulation.

DISPOSITION

other

CASES CITED

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

OPINION

(SS) Hayes v. Commissioner of Social Security

PER CURIAM.

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francesco@benavidesdisabilitylaw.com 4 Attorney for Plaintiff 5

HANNAH NICOLE HAYES

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7 UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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FRESNO DIVISION

9 10 HANNAH NICOLE HAYES, Case No. 1:25-cv-00215-SKO 11 Plaintiff, STIPULATION
AND UNOPPOSED MOTION

FOR THE AWARD AND PAYMENT OF

v. ATTORNEY FEES AND EXPENSES

13 PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT; ORDER

14 FRANK BISIGNANO, Commissioner of Social Security, (Doc. 20) 15 16 Defendant. 17 IT IS
HEREBY STIPULATED by and between the parties through their undersigned counsel, 18 subject
to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount 19
of \$8,150.00, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs
under 20 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered
on behalf of 21 Plaintiff by counsel in connection with this civil action, in accordance with 28
U.S.C. §§ 2412(d), 22 1920. 23 After the Court issues an order for EAJA fees to Plaintiff, the
government will consider the 24 matter of Plaintiff's assignment of EAJA fees to counsel.
Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 25 598 (2010), the ability to honor the assignment will
depend on whether the fees are subject to any 26 offset allowed under the United States
Department of the Treasury's Offset Program. After the order 27 for EAJA fees is entered, the
government will determine whether they are subject to any offset. 1 Fees shall be made payable to
Plaintiff, but if the Department of the Treasury determines that 2 Plaintiff does not owe a federal
debt, then the government shall cause the payment of fees, expenses 3 and costs to be made
directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment 4 executed by
Plaintiff. Payments may be made by electronic fund transfer (EFT) or by check. 5 This stipulation
constitutes a compromise settlement of Plaintiff's request for EAJA attorney 6 fees and does not
constitute an admission of liability on the part of Defendant under the EAJA or 7 otherwise.
Payment of the agreed amount shall constitute a complete release from, and bar to, any 8 and all
claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco 9
Benavides, may have relating to EAJA attorney fees in connection with this action. 10 This award
is without prejudice to the rights of Francesco Benavides to seek Social Security 11 Act attorney
fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. 12 13
Respectfully submitted, 14 15 Dated: July 8, 2025 Law Offices of Francesco Benavides 16 By: /s/
Francesco Benavides

FRANCESCO P. BENAVIDES

17 Attorney for Plaintiff 18 19 20 Dated: July 8, 2025 MICHELLE BECKWITH 21 Acting United
States Attorney

22 MATHEW W. PILE

Associate General Counsel 23 Social Security Administration 24 By: Lori Lookliss*

LORI LOOKLISS

25 Special Assistant U.S. Attorney 26 Attorneys for Defendant (*Permission to use electronic
signature 27 obtained via email on July 8, 2025).

1 ORDER

2 Based upon the parties' Stipulation and Unopposed Motion for the Award and Payment of 3
Equal Access to Justice Act Fees and Expenses, (Doc. 20), IT IS ORDERED that fees and
expenses 4 in the amount of \$8,150 as authorized by 28 U.S.C. § 2412, and no costs under 28
U.S.C. § 1920, be 5 awarded subject to the terms of the Stipulation. 6 IT IS SO ORDERED. 7 8
Dated: July 9, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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