

**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.

OPINION

1 Francesco Benavides, CSBN 258924 Law Offices of Francesco Benavides 2 1990 N. California
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francesco@benavidesdisabilitylaw.com 4 Attorney for Plaintiff 5 HANNAH NICOLE HAYES 6 7
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA 8 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 12 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 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27