

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Susan Marie Kuhn v. Commissioner of Social Security

Kuhn · No. 2:22-cv-01835-SCR · Decided April 15, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiff Susan Marie Kuhn’s motion for attorney’s fees under 42 U.S.C. § 406(b) after remanding her Social Security benefits case and her subsequent award of past-due benefits. The court awarded counsel \$29,075 and directed counsel to remit \$7,100 in previously received EAJA fees to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 15, 2025
DOCKET	2:22-cv-01835-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney's fees under 42 U.S.C. § 406(b) after obtaining a remand and a subsequent award of past-due Social Security benefits.
STANDARD OF REVIEW	The court independently reviewed the requested contingent fee for reasonableness under 42 U.S.C. § 406(b), considering the fee agreement, the character of the representation, the results achieved, counsel's hours, regular billing rate, any substandard representation or delay, and whether the fee would constitute a windfall.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Susan Marie Kuhn v. Commissioner of Social Security

TOPICS

- attorney fees
- judicial review of agency action
- summary judgment
- remedies
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the requested \$29,075 contingent fee, equal to 25% of Plaintiff's past-due benefits, was reasonable under 42 U.S.C. § 406(b).
2. Whether counsel was required to offset or remit to Plaintiff the \$7,100 in EAJA fees previously awarded.

HOLDINGS

1. The requested \$29,075 fee was reasonable and could be awarded under 42 U.S.C. § 406(b), notwithstanding that it represented the statutory maximum of 25% of Plaintiff's past-due benefits.
2. Counsel was required to remit the previously awarded \$7,100 in EAJA fees to Plaintiff after receiving the § 406(b) fee.

KEY QUOTATIONS

"The 25% statutory maximum fee is not an automatic entitlement, and the court must ensure that the fee requested is reasonable." (at 1)

"The Court finds that the effective rate of \$1,097 is approaching what could be considered unreasonable, or a windfall, but finds the award reasonable in this instance." (at 2)

FACTUAL BACKGROUND

Plaintiff entered into a contingent-fee agreement with counsel to pursue judicial review of the denial of Social Security benefits. After the court remanded the case, Plaintiff received an award of past-due benefits, and counsel sought \$29,075, representing 25% of those benefits. Counsel documented 26.5 hours of attorney time and 3.9 hours of paralegal time, and Plaintiff's counsel had previously received \$7,100 in EAJA fees.

PROCEDURAL HISTORY

Plaintiff sought judicial review of the Commissioner's denial of benefits. On March 13, 2024, Magistrate Judge Barnes granted Plaintiff's motion for summary judgment and remanded the case to the Commissioner for further proceedings. Plaintiff was subsequently awarded more than \$100,000 in past-due benefits and moved for \$29,075 in attorney's fees under § 406(b).

DISPOSITION

other

CASES CITED

- Crawford v. Astrue, 586 F.3d 1142, 1147, 1149, 1151-52 (9th Cir. 2009) (en banc)
- Gisbrecht v. Barnhart, 535 U.S. 789, 793, 796, 802, 807-09 (2002)
- Parrish v. Comm'r of Soc. Sec. Admin., 698 F.3d 1215, 1217 (9th Cir. 2012)

- Costa v. Commissioner, 690 F.3d 1132, 1136 (9th Cir. 2012)
- Garcia v. O'Malley, 2024 WL 4121872 (E.D. Cal. Sept. 9, 2024)
- Guzman Paz v. Commissioner, 2024 WL 4029592 (E.D. Cal. Sept. 3, 2024)
- Garcia v. Commissioner, 2024 WL 3968083 (E.D. Cal. Aug. 28, 2024)
- Roxsann D. A. v. O'Malley, 2024 WL 1136398 (C.D. Cal. Feb. 12, 2024)
- Timothy M. v. Commissioner, 2023 WL 1071604 (D. Or. Jan. 27, 2023)
- Tristan v. Commissioner, 2023 WL 6129832 (E.D. Cal. Sept. 19, 2023)
- Biggerstaff v. Saul, 840 F. App'x 69 (9th Cir. 2020)

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