

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Edward Scott Aaron v. Frank J. Bisignano, Commissioner of Social  
Security

Aaron v. Bisignano · No. 1:24-cv-00372-KES-BAM · Decided December 10, 2025

SUMMARY

The document is a parties’ stipulation and proposed order in a Social Security action in the Eastern District of California concerning an award of attorney fees under the Equal Access to Justice Act. The proposed order awards \$5,527.88 in fees and expenses, subject to the stipulation’s terms, and was signed by Magistrate Judge Barbara A. McAuliffe on December 10, 2025.

CASE DETAILS

|                       |                                                                                                                                                                                                                        |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                    |
| WRITING FOR THE COURT | Barbara A. McAuliffe                                                                                                                                                                                                   |
| DECIDED               | December 10, 2025                                                                                                                                                                                                      |
| DOCKET                | 1:24-cv-00372-KES-BAM                                                                                                                                                                                                  |
| DISPOSITION           | approved                                                                                                                                                                                                               |
| PROCEDURAL POSTURE    | Plaintiff withdrew his motion for attorney fees under the Equal Access to Justice Act after the parties stipulated to an award of fees and expenses. The court approved the stipulation and awarded the agreed amount. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                        |
| PARTIES               | Edward Scott Aaron v. Frank J. Bisignano, Commissioner of Social Security                                                                                                                                              |

TOPICS

- attorney fees
- costs
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation awarding plaintiff \$5,527.88 in attorney fees and expenses under the Equal Access to Justice Act.

## HOLDINGS

1. The court approved the parties' stipulation and awarded plaintiff \$5,527.88 in fees and expenses under the Equal Access to Justice Act, subject to the terms of the stipulation.

## FACTUAL BACKGROUND

Plaintiff was the prevailing party in the underlying civil action and represented that his net worth did not exceed \$2,000,000 when the action was filed. The parties agreed to compromise plaintiff's request for attorney fees and expenses under the Equal Access to Justice Act. The stipulation provided that the award would be payable to plaintiff, subject to any Treasury Offset Program debt and the government's waiver of the Anti-Assignment Act requirements.

## PROCEDURAL HISTORY

The underlying action was a civil action involving Social Security benefits. Plaintiff became the prevailing party and filed a motion for EAJA fees on December 2, 2025. The parties subsequently stipulated to an EAJA award of \$5,527.88, plaintiff withdrew the motion, and the court entered an order approving the stipulated award.

## DISPOSITION

approved

## CASES CITED

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

## OPINION

Edward Scott Aaron v. Frank J. Bisignano, Commissioner of Social Security

PER CURIAM.

1 Jonathan O. Peña, Esq. 2 CA Bar ID No.: 278044 Peña & Bromberg, PLC 3 3467 W. Shaw Ave.,  
Ste 100 4 Fresno, CA 93711 Telephone: 559-439-9700 5 Facsimile: 559-439-9723 6 Email:  
info@jonathanpena.com Attorney for Plaintiff, Edward Scott Aaron 7 8

9 UNITED STATES DISTRICT COURT

10 FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

11 12 Edward Scott Aaron, Case No. 1:24-cv-00372-KES-BAM 13 Plaintiff, STIPULATION FOR  
THE AWARD

14 AND PAYMENT OF ATTORNEY

v. FEES AND EXPENSES PURSUANT

15 TO THE EQUAL ACCESS TO

16 Frank J. Bisignano1, JUSTICE ACT; |PROPOSED| ORDER  
COMMISSIONER OF SOCIAL  
17 SECURITY,  
18 Defendant. 19

IT IS HEREBY STIPULATED by and between the parties through their 20 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded 21 attorney fees and expenses in the amount of FIVE THOUSAND FIVE HUNDRED 22 TWENTY-SEVEN AND 88/100 (\$5,527.88) under the Equal Access to Justice Act 23 (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 24 25 1 Frank J. Bisignano became the Commissioner of Social Security on May 7, 26 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Frank J. Bisignano should be substituted for Leland Dudek as the defendant in this suit. No 27 further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). 1 28 U.S.C. §1920. This amount represents compensation for all legal services rendered 2 on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 3 28 U.S.C. §§ 1920, 2412(d). 4 Plaintiff was the prevailing party in this matter and Plaintiff is an individual 5 whose net worth does not exceed \$2,000,000 at the time the civil action was filed. 6 After the Court issues an order for EAJA fees to Plaintiff, the government will 7 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. 8 Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this 9 Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program 10 (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to 11 Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, 12 the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to 13 his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset 14 under the Treasury Offset Program, and (3) agrees to waive the requirements of the 15 16 Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney, 17 JONATHAN O. PEÑA-MANCINAS at the firm, PEÑA & BROMBERG, PC. 18 However, if there is a debt owed under the Treasury Offset Program, the Commissioner 19 cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining 20 EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made 21 out to Plaintiff, but delivered to Plaintiff's attorney, JONATHAN O. PEÑA- 22 MANCINAS at the firm, PEÑA & BROMBERG, PC. 23 This stipulation constitutes a compromise settlement of Plaintiff's request for 24 EAJA attorney fees, and does not constitute an admission of liability on the part of 25 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute 26 a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel 27 1 including Counsel's firm may have relating to EAJA attorney fees in connection with 2 this action. 3 The parties further agree that the EAJA award is without prejudice to the right of 4 Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42 5 U.S.C. § 406(b), subject to the offset provisions of the EAJA. See 28 U.S.C. § 6 2412(c)(1)

(2006). 7 Accordingly, Plaintiff withdraws the Motion for EAJA Fees filed on December 2, 8  
2025, Dkt. No. 23. 9 Respectfully submitted, 10 11 Dated: December 9, 2025 /s/ Jonathan O. Peña  
12 J ONATHAN O. PEÑA

13 Attorney for Plaintiff 14 Dated: December 9, 2025 ERIC GRANT 15 United States Attorney  
16 MATHEW W. PILE

Head of Program Litigation 1 17 Law & Policy 18 Social Security Administration 19 By:  
\_\*\_David Priddy 20 David Priddy Special Assistant U.S. Attorney 21 Attorneys for Defendant 22  
(\*Permission to use electronic signature obtained via email on December 9, 2025). 23 24 25 26 27  
1

|PROPOSED| ORDER

2 Based upon the parties' Stipulation for the Award and Payment of Equal Access 3 4 to Justice  
Act Fees and Expenses (the "Stipulation"), 5 IT IS ORDERED that fees and expenses in the  
amount of FIVE THOUSAND 6 FIVE HUNDRED TWENTY-SEVEN AND 88/100 (\$5,527.88)  
as authorized by the 7 8 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded  
subject to the 9 terms of the Stipulation. 10 11 12 IT IS SO ORDERED. 13 Dated: December 10,  
2025 /s/ Barbara A. McAuliffe \_

14 UNITED STATES MAGISTRATE JUDGE

15 16 17 18 19 20 21 22 23 24 25 26 27