

**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

OPINION

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

PER CURIAM.

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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

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