

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:17-cv-01633-JC Date March 31, 2021

Title Mojgan Pourzanjani v. Andrew Saul, Commissioner of Social Security

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

Kerri Hays

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

none present

none present

Proceedings: (IN CHAMBERS)

**ORDER TO SHOW CAUSE WHY THE COURT SHOULD NOT DEEM
PENDING ATTORNEY FEE MOTION(S) WITHDRAWN WITHOUT
PREJUDICE INSTEAD OF STAYING MATTER AS REQUESTED AND
VACATING DEFENDANT’S DEADLINE TO RESPOND TO MOTION**

On March 11, 2021, plaintiff’s counsel filed a “Petition for Authorization of Attorney Fee Pursuant to 42 U.S.C. § 406(b), As Amended” and the Court set a briefing schedule thereon. On March 19, 2021, plaintiff’s counsel filed a “First Amended Petition for Authorization of Attorney Fee Pursuant to 42 U.S.C. § 406(b), As Amended” – which the Court thereafter authorized him to file – and as to which the Court set a revised briefing schedule. The Court is now in receipt of plaintiff’s counsel’s “Petition for Stay of Further Legal Proceeding in Petitioner’s Petition for Attorney Fees, under 42 U.S.C. § 406(b)” (“Stay Motion”). The Stay Motion essentially reflects that further proceedings are pending before the Administrative Law Judge which could significantly impact the amount and entitlement of the fee which plaintiff’s counsel seeks and that plaintiff’s counsel intends to file yet another amended version of his fee petition after a final resolution of such ongoing proceedings. Rather than staying and having the instant matter languish on the Court’s docket pending the ongoing administrative proceedings, it makes more sense to the Court that plaintiff’s counsel withdraw the pending fee application without prejudice and withdraw the Stay Motion. It is not clear to the Court that there would be any prejudice to plaintiff’s counsel if the Court required him to proceed in that fashion instead of granting a stay, though the Court allows that there may be legal implications of which it is currently unaware.

Accordingly, plaintiff’s counsel is Ordered to Show Cause by not later than **April 14, 2021**, why the Court should not deem his pending fee petition withdrawn without prejudice instead of staying this matter and why the Court should not accordingly deny his Stay Motion. The filing of a Notice of Withdrawal of Pending Fee Application and Stay Motion by the foregoing deadline will constitute a sufficient response to this Order to Show Cause. Defendant’s deadline to file a response to plaintiff’s counsel’s pending attorney fee motion is vacated.

IT IS SO ORDERED.