

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

10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
 12 **FRESNO DIVISION**

13 Oralia Lopez,

14 Plaintiff,

15 v.

16 Leland Dudek<sup>1</sup>, ACTING  
 17 COMMISSIONER OF SOCIAL  
 18 SECURITY,

19 Defendant.

Case No. 1:24-cv-00342-KES-CDB

**STIPULATION FOR THE AWARD  
 AND PAYMENT OF ATTORNEY  
 FEES AND EXPENSES PURSUANT  
 TO THE EQUAL ACCESS TO  
 JUSTICE ACT; ORDER**

20 IT IS HEREBY STIPULATED by and between the parties through their  
 21 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
 22 attorney fees and expenses in the amount of SEVEN THOUSAND ONE HUNDRED  
 23 SEVENTY-SEVEN DOLLARS AND 44/100 (\$7,177.44) under the Equal Access to

24 \_\_\_\_\_  
 25 Leland Dudek became the Acting Commissioner of Social Security on February  
 26 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek  
 27 should be substituted for Michelle King as the defendant in this suit. No further action  
 28 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 Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars  
2 (\$0.00) under 28 U.S.C. §1920. This amount represents compensation for all legal  
3 services rendered on behalf of Plaintiff by counsel in connection with this civil action,  
4 in accordance with 28 U.S.C. §§ 1920, 2412(d).

5 Plaintiff was the prevailing party in this matter and Plaintiff is an individual  
6 whose net worth does not exceed \$2,000,000 at the time the civil action was filed.

7 After the Court issues an order for EAJA fees to Plaintiff, the government will  
8 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney.  
9 Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this  
10 Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program  
11 (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to  
12 Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order,  
13 the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to  
14 his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset  
15 under the Treasury Offset Program, and (3) agrees to waive the requirements of the  
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.  
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24 This stipulation constitutes a compromise settlement of Plaintiff's request for  
25 EAJA attorney fees, and does not constitute an admission of liability on the part of  
26 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute  
27 a complete release from, and bar to, any and all claims that Plaintiff and/or Counsel  
28

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 Respectfully submitted,

8  
9 Dated: March 7, 2025

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

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11  
12 Dated: March 7, 2025

MICHELE BECKWITH

United States Attorney

MATHEW W. PILE

Associate General Counsel

Office of Program Litigation

Social Security Administration

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15  
16  
17 By: \* Michael J. Mullen

Michael J. Mullen

Special Assistant U.S. Attorney

Attorneys for Defendant

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19  
20 (\*Permission to use electronic signature  
21 obtained via email on March 7, 2025).

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**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of SEVEN THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS AND 44/100 (\$7,177.44) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: March 10, 2025

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE