

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9

10 ASHLEY TIFF-MCCAULEY,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting
14 Commissioner of the Social Security
Administration,

15 Defendant.

CASE NO. 2:16-cv-01380 JRC

ORDER ON UNOPPOSED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES

16
17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
18 Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge
19 and Consent Form, Dkt. 6; Consent to Proceed Before a United States Magistrate Judge, Dkt. 7.
20 This matter is before the Court on plaintiff's Motion for EAJA Fees. *See* Dkt. 16. Defendant has
21 no objection to plaintiff's motion. *See* Dkt. 20.

22 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's
23 motion, (*see* Dkt. 16), plaintiff's Memorandum of Law in Support of Motion for Attorney's Fees
24 (Dkt. 17), the Declaration of D. James Tree in Support of EAJA Attorney Fees (Dkt. 18),

1 Itemized Billing Statement (Dkt. 16, Attachment 1), and the relevant record, it is hereby
2 ORDERED that EAJA attorney's fees of \$7,129.16 shall be awarded to plaintiff pursuant to the
3 EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at
4 ***6-***7 (2010).

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined
7 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the
8 Treasury's Offset Program, then the check for EAJA fees shall be made payable to D. James
9 Tree, *Esq.*, based on plaintiff's assignment of these amounts to plaintiff's attorney (*see* Written
10 Fee Agreement (Dkt. 16, Attachment 2) and Plaintiff's Declaration (Dkt. 19). If there is an
11 offset, the remainder shall be made payable to plaintiff, based on the practice of the Department
12 of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees shall
13 be mailed to plaintiff's counsel, D. James Tree, *Esq.*, at Tree Law Office, 3711 Englewood
14 Avenue, Yakima, WA 98902.

15 Dated this 14th day of July, 2017.

16
17 

18 J. Richard Creatura
19 United States Magistrate Judge
20
21
22
23
24