

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

10 DUSTIN MICHAEL GURWELL,

11 Plaintiff,

12 v.

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

15 Defendant.

CASE NO. 2:16-cv-01799 JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES AND
EXPENSES AND FOR COSTS

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
and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

19 This matter is before the Court on plaintiff's Unopposed Motion for Equal Access to Justice Act
20 Fees, Costs and Expenses (*see* Dkt. 15).

21
22 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the unopposed
23 motion (*see* Dkt. 15), the stipulation of the parties (*see* Dkt. 16-3), the attorney declaration and
24 time and expense itemizations (*see* Dkt. 16, 16-1), and the relevant record, it is hereby

ORDER ON STIPULATED MOTION FOR EQUAL
ACCESS TO JUSTICE ACT FEES AND EXPENSES
AND FOR COSTS - 1

1 ORDERED that EAJA attorney's fees of \$7,000.00 and expenses in the amount of \$16.60, shall
2 be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct.
3 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

4 It is further ORDERED that costs in the amount of \$4.50 shall be awarded to plaintiff
5 pursuant to 28 U.S.C. § 1920.

6 The Acting Commissioner shall contact the Department of Treasury after the Order for
7 EAJA fees, costs and expenses is entered to determine if the EAJA fees, costs and expenses are
8 subject to any offset. If it is determined that plaintiff's EAJA fees, costs and expenses are not
9 subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then
10 the check for EAJA fees, costs and expenses shall be made payable to George Andre Fields,
11 Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (*see* Fee Agreement,
12 Dkt. 16-2). If there is an offset, the remainder shall be made payable to plaintiff, based on the
13 practice of the Department of the Treasury (*see, e.g.,* Case No. 2:15-cv-122, Dkt. 22, p. 4). Any
14 check for EAJA fees shall be mailed to plaintiff's counsel, George Andre Fields, Esq. at P.O.
15 Box 231024, Sacramento, CA 95823.

16 .
17 Dated this 17th day of July, 2017.

18 

19 J. Richard Creatura
20 United States Magistrate Judge