

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHELLY J. MINNICK,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

Case No. 2:17-cv-00093-BAT

ORDER GRANTING PLAINTIFF'S MOTION FOR EAJA FEES

Shelly J. Minnick, the prevailing party in this Social Security disability appeal, moves

under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), for an award of attorney’s fees of \$7,509.15 and expenses of \$7.20. Dkt. 19. The Commissioner filed no opposition to the motion. The Court **GRANTS** Ms. Minnick’s requests for fees and costs.

The EAJA authorizes payment of attorney's fees to a prevailing party in an action against the United States, unless the court finds that the government's position on the merits in the litigation was "substantially justified." 28 U.S.C. § 2412(d)(1)(A). Substantial justification requires the government to demonstrate its position had a reasonable basis in both law and fact at each stage of the proceedings, including both the government's litigation position, and the underlying agency action giving rise to the civil action. *Tobeler v. Colvin*, 749 F.3d 830, 832–34

**ORDER GRANTING PLAINTIFF'S MOTION
FOR EAJA FEES - 1**

1 (9th Cir. 2014). The Commissioner has made no such showing and has not objected to the
2 amount of fees requested. The Court has reviewed Ms. Minnick's motion, supporting
3 declaration (Dkt. 91-2), and the record, and finds the amount requested is reasonable. The Court
4 therefore **ORDERS**:

5 Plaintiff's motion for attorney's fees and costs (Dkt. 19) is **GRANTED** and Plaintiff is
6 awarded attorney's fees of \$7,509.15 and costs of \$7.20, for a total award of \$7,516.35. If the
7 EAJA fees are not subject to any offset allowed under the Department of Treasury's Offset
8 Program, then the check should be made payable to Ms. Minnick's attorney, Eitan Kassel
9 Yanich, and mailed to Eitan Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia,
10 WA. 98501.

11 DATED this 9th day of January, 2018.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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