

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

10 TONYA E. MCQUESTION,

11 Plaintiff,

12 v.

13 CAROLYN W. COLVIN, Acting
14 Commissioner of the Social Security
Administration,

15 Defendant.

CASE NO. 14-cv-06007 JRC

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

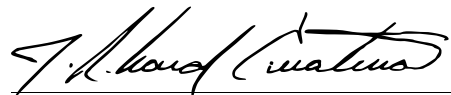
16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
18 and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).
19 This matter is before the Court on plaintiff's Motion for Attorney's Fees and Expenses Pursuant
20 to 28 U.S.C. § 2412 (*see* Dkt. 21). Defendant has no objection to plaintiff's motion (*see* Dkt.
21 22).

22 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion
23 (*see* Dkt. 21), the attorney declaration and time and expense itemizations (Dkt. 21, Attachments
24

1 2, 3), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$4,607.45
2 and expenses in the amount of \$27.90, shall be awarded to plaintiff pursuant to the EAJA and
3 consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7
4 (2010).

5 The Acting Commissioner shall contact the Department of Treasury after the Order for
6 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
7 offset. If it is determined that plaintiff's EAJA fees and expenses are not subject to any offset
8 allowed pursuant to the Department of the Treasury's Offset Program, then the check for EAJA
9 fees and expenses shall be paid directly to Eitan Kassel Yanich, Esq., either by direct deposit or
10 by check payable to him based on plaintiff's assignment of these amounts to plaintiff's attorney
11 (*see* Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees, Dkt. 20). If there
12 is an offset, the remainder shall be made payable to plaintiff, based on the practice of the
13 Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA
14 fees shall be mailed to plaintiff's counsel, Eitan Kassel Yanich, Esq., at Law Office of Eitan
15 Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia, WA 98501.

16 Dated this 28th day of December, 2015.

17 

18 J. Richard Creatura
19 United States Magistrate Judge