

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KYLA JERESE SCOTT,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

CASE NO. 3:16-CV-05834-DWC

ORDER DIRECTING PLAINTIFF TO  
PROVIDE SUPPORTING  
DOCUMENTATION FOR A MOTION  
FOR ATTORNEY’S FEES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 4; Consent to Proceed Before a United States Magistrate Judge, Dkt. 5. This matter is before the Court on Plaintiff’s Stipulated Motion for Equal Access to Justice Act (“EAJA”) Fees, Costs and Expenses. Dkt. 14.

An application for attorney’s fees under the EAJA must include “an itemized statement from any attorney . . . stating the actual time expended and the rate at which fees and other expenses were computed.” 28 U.S.C. § 2412(d)(1)(B). An application must also include an affidavit reflecting Plaintiff’s net worth did not exceed \$2,000,000.00 at the time the civil action

1 was filed. *See* 28 U.S.C. § 2412(d)(2)(B). Finally, as the EAJA awards attorney’s fees to “the  
2 prevailing party,” an application for fees payable directly to a plaintiff’s attorney must include an  
3 assignment of the EAJA fee award from the plaintiff to his or her attorney. *See* 28 U.S.C. §  
4 2412(d)(1)(A); *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010).

5 Plaintiff’s motion represents Plaintiff assigned his award of fees and costs to his attorney,  
6 Todd Renda. However, Plaintiff did not submit to the Court: 1) an affidavit reflecting Plaintiff’s  
7 net worth did not exceed \$2,000,000.00 at the time the civil action was filed; or 2) a copy of a  
8 fee agreement or other assignment of Plaintiff’s interest in the attorney’s fee award to his  
9 attorney. The Court will entertain Plaintiff’s motion when these items have been filed.

10 Plaintiff is hereby ordered to provide to the Court: 1) an affidavit or declaration reflecting  
11 Plaintiff’s net worth did not exceed \$2,000,000.00 at the time the civil action was filed; and 2) a  
12 copy of a fee agreement, an affidavit, a declaration, or other assignment of Plaintiff’s interest in  
13 the attorney’s fee award to his attorney by June 5, 2017.

14 Dated this 22nd day of May, 2017.

15 

16 David W. Christel  
17 United States Magistrate Judge