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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 KATRINA R. MENZ,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Deputy
14 Commissioner of Social Security for
Operations,

15 Defendant.

CASE NO. 3:17-CV-05004-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. 6; Consent to Proceed Before a United States Magistrate Judge, Dkt. 7).

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. 25). Defendant does not object to plaintiff's motion. *See* Dkt. 26.

21 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), plaintiff's motion
22 (*see* Dkt. 25), the attorney declaration and time and expense itemizations (Dkt. 25, Attachment
23 2), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$5,905.55 and
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1 expenses in the amount of \$6.79, shall be awarded to plaintiff pursuant to the EAJA and
2 consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7
3 (2010).

4 The Acting Commissioner shall contact the Department of Treasury after the Order for
5 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
6 offset. If it is determined that plaintiff's EAJA fees and expenses are not subject to any offset
7 allowed pursuant to the Department of the Treasury's Offset Program, then payment of the
8 EAJA fees and expenses, shall be either by direct deposit or by check made payable to Eitan
9 Kassel Yanich, Esq., based on plaintiff's assignment of these amounts to plaintiff's attorney (*see*
10 Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees, Dkt. 24). 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 and
13 expenses shall be mailed to plaintiff's counsel, Eitan Kassel Yanich, Esq., at Law Office of Eitan
14 Kassel Yanich, PLLC, 203 Fourth Avenue E., Suite 321, Olympia, WA 98501.

15 Dated this 13th day of April, 2018.

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18 J. Richard Creatura
19 United States Magistrate Judge
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