

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

10 MONICA WYNIA,

11 Plaintiff,

12 v.

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

15 Defendant.

CASE NO. 3:17-CV-5783 JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES

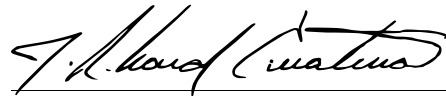
16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (*see also* Consent to Proceed Before a United States Magistrate
18 Judge, Dkt. 2.). This matter is before the Court on plaintiff's Stipulated Motion for Equal Access
19 to Justice Act Fees and Expenses (*see* Dkt. 22.).

20 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of
21 the parties (*see* Dkt. 22), the attorney declaration and time and expense itemizations (Dkt. 22-1,
22 22-3), and the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$2,389.57
23
24

1 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct.
2 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for
4 EAJA fees and expenses is entered to determine if the EAJA fees and expenses are subject to any
5 offset. If it is determined that plaintiff's EAJA fees are not subject to any offset allowed
6 pursuant to the Department of the Treasury's Offset Program, then the check for EAJA fees shall
7 be made payable to Victoria B. Chhagan, based on plaintiff's assignment of these amounts to
8 plaintiff's attorney (*see* Plaintiff's Declaration Regarding Net Worth and Payment of EAJA Fees,
9 Dkt. 22-5). If there is an offset, the remainder shall be made payable to plaintiff, based on the
10 practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any
11 check for EAJA fees shall be mailed to plaintiff's counsel, Victoria B. Chhagan, at Douglas
12 Drachler McKee & Gilbrough, 1904 Third Avenue, Seattle WA 98101.

13 Dated this 25th day of July, 2018.

14 

15 J. Richard Creatura
16 United States Magistrate Judge