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7 Attorney for Plaintiff

8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 RANDOLPH FRANKLIN FATHEREE,

Case No. 1:13-cv-01577-SKO

11 Plaintiff,

**STIPULATION AND ORDER FOR THE
 AWARD OF ATTORNEY’S FEES
 PURSUANT TO THE EQUAL ACCESS
 TO JUSTICE ACT, 28 U.S.C. § 2412(d)
 AND COSTS**

12 v.

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

15 Defendants.

(Doc. 20)

16 _____/

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 18 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 19 EAJA in the amount of FIVE THOUSAND SIX HUNDRED DOLLARS AND ZERO CENTS
 20 (\$5,600.00) and COSTS in the amount of FOUR HUNDRED TWENTY-FIVE AND TWENTY-
 21 FOUR CENTS (\$425.24). This amount represents compensation for all legal services rendered on
 22 behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with
 23 28 U.S.C. § 2412.

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 25 will consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s
 26 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment
 27 will depend on whether the fees and expenses are subject to any offset allowed under the United
 28 States Department of the Treasury’s Offset Program. After the order for EAJA fees and expenses

1 is entered, the government will determine whether they are subject to any offset.

2 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
3 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment
4 of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the assignment
5 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and expenses, and does not constitute an admission of liability on the part of
8 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
9 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
10 EAJA attorney fees and expenses in connection with this action.

11 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
12 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

13

14 Respectfully submitted,

15 Dated: June 11, 2015

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

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BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Regional Chief Counsel

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20 Date: June 11, 2015

/s/ Jean Turk
JEAN TURK (As authorized via email on 6/11/15)
Special Assistant United States Attorney

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ORDER

24 Pursuant to the parties' Stipulation, it is so ordered.

25

26 IT IS SO ORDERED.

27 Dated: June 26, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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