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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROCKLIN J. BERSCHNEIDER II,)	
)	Case No. 1:13-cv-01945-GSA
Plaintiff,)	
)	STIPULATION AND
)	ORDER FOR EAJA FEES, COSTS
)	AND EXPENSES
CAROLYN W. COLVIN,)	
Acting Comm'r of Social Security,)	
)	(ECF No. 23)
Defendant,)	
_____)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SEVEN THOUSAND THREE HUNDRED SEVENTEEN dollars and THIRTY ONE cents (\$7,317.31) and expenses in the amount of TWENTY dollars and NINETY ONE cents (\$20.91). This amount represents compensation for all legal services rendered on behalf of plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the fees and expenses are subject to an offset allowed under the United States Department of the Treasury's

Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of EAJA fees and expenses is entered, the government will determine if they are subject to an offset.

If it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v. Ratcliff, 130 S.Ct. 2521 (2010) and The Department of Treasury's Offset Program, then the check for EAJA fees and expenses shall be made payable to Dellert Baird Law Offices, PLLC, based upon Plaintiff's assignment of these amounts to Plaintiff's attorney, and the check for costs shall be made payable to Plaintiff. The parties agree that whether these checks are made payable to Plaintiff or Dellert Baird Law Offices, PLLC, such checks shall be mailed to Plaintiff's attorney at the following address: Dellert Baird Law Offices, PLLC, P.O. Box 3757, Silverdale, WA 98383.

Date: June 8, 2015

Respectfully submitted,

JACQUELINE A. FORSLUND
Attorney at Law

/s/Jacqueline A. Forslund
JACQUELINE A. FORSLUND
Attorney for Plaintiff

Date: June 8, 2015

BENJAMIN WAGNER
United States Attorney
DONNA L. CALVERT
Regional Chief Counsel, Region IX
Social Security Administration

/s/*Brenda Pullin
BRENDA PULLIN
Special Assistant United States Attorney
*By email authorization
Attorney for Defendant

ORDER

Pursuant to the above stipulation between the parties, Plaintiff shall be awarded attorney fees in the amount of seven thousand three hundred seventeen dollars and thirty one cents (\$7,317.31) and expenses in the amount of twenty dollars and ninety one cents (\$20.91) under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). This award is subject to the terms of the above-referenced stipulation and payments shall be made pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), as outlined above.

IT IS SO ORDERED.

Dated: **June 9, 2015**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE