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6 Attorney for Plaintiff

7  
8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA, FRESNO BRANCH

10 ELIZABETH M. SAWYER,

Case No.: 1:14-CV-01124-EPG

11 Plaintiff,

12 vs.

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

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

15 Defendant  
16

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

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  
27 assignment will depend on whether the fees and expenses are subject to any offset allowed under  
28

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

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees  
2 and expenses is entered, the government will determine whether they are subject to any offset.  
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
5 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the  
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.  
7

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
9 attorney fees and expenses, and does not constitute an admission of liability on the part of  
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
12 EAJA attorney fees and expenses in connection with this action.  
13

14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
15 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.  
16

17 Respectfully submitted,

18 Dated: June 22, 2016

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

BENJAMIN B. WAGNER

United States Attorney

DEBORAH L. STACHEL

Acting Regional Chief Counsel

23 Date: June 22, 2016

/s/Chantal Jenkins

(As authorized via email on 06/22/16)

CHANTAL JENKINS

Special Assistant United States Attorney

1 **ORDER**

2 Pursuant to the above stipulation, Plaintiff shall be awarded attorney fees under the EAJA,  
3 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND SIX HUNDRED DOLLARS  
4 (\$5,600.00). All fees shall be paid pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), as  
5 agreed upon by the parties.  
6

7  
8 **IT IS SO ORDERED.**

9  
10 Date: June 28, 2016

/s/ Erica P. Grosjean  
Erica P. Grosjean  
United States Magistrate Judge