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7
8 Attorney for Plaintiff

9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA, FRESNO BRANCH

11 RICHARD NICHOLAS ACOSTA, SR.

12 Plaintiff,

13 vs.

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

16 Defendant

Case No.: 1:14-cv-01422-BAM

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

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 plus COSTS in the amount of THREE THOUSAND NINE HUNDRED AND THIRTY-
21 FOUR DOLLARS AND TWENTY-FOUR (\$3,934.24). This amount represents compensation
22 for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this
23 civil action, in accordance with 28 U.S.C. § 2412.

24
25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
27 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
28

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

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
3 and expenses is entered, the government will determine whether they are subject to any offset.
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
8

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees and expenses, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses in connection with this action.
14

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
17

18 Respectfully submitted,

19 Dated: October 13, 2015

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

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

24 Date: October 13, 2015

/s/ Esther Kim
(As authorized via email on 10/13/15)
ESTHER KIM
Special Assistant United States Attorney

1 **ORDER**

2 Based upon the parties’ Stipulation for the Award of Attorney Fees pursuant to the Equal
3 Access to Justice Act filed on October 13, 2015 (“Stipulation”), IT IS HEREBY ORDERED that
4 fees in the amount of \$3,934.24 as authorized by 28 U.S.C. § 2412, be awarded subject to the
5 terms of the Stipulation.
6

7 IT IS SO ORDERED.

8 Dated: October 15, 2015

9 /s/ Barbara A. McAuliffe

10 UNITED STATES MAGISTRATE JUDGE