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8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
9 **FRESNO DIVISION**

10 ZENA MAE ANDERSON,
11 Plaintiff,

12 vs.

13 NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

14 Defendant.¹

) Case No.: 1:15-CV-00906 BAM

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

15
16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
17 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
18 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE
19 THOUSAND DOLLARS (\$3,000.00). This amount represents compensation for all legal
20 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
21 accordance with 28 U.S.C. § 2412(d).

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

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26 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal
27 Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as
28 the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of
section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 honor the assignment will depend on whether the fees, expenses and costs are subject to any
2 offset allowed under the United States Department of the Treasury's Offset Program. After the
3 order for EAJA fees, expenses and costs is entered, the government will determine whether they
4 are subject to any offset.

5 Fees, expenses and costs shall be made payable to Plaintiff, but if the Department of the
6 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
7 the payment of fees, expenses and costs to be made directly to John Vincent Johnson, pursuant to
8 the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's
9 counsel.

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

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 provisions of the EAJA.

17
18 Dated: March 29, 2017
19 Respectfully submitted,
20 /s/ John Vincent Johnson
21 JOHN VINCENT JOHNSON
22 Attorney for Plaintiff
23 [as authorized by EMAIL on March 28, 2017]

24 Dated: March 29, 2017
25 PHILIP A TALBERT
26 United States Attorney
27 DEBORAH LEE STACHEL
28 Acting Regional Chief Counsel, Region IX
Social Security Administration
By: /s/ Jean M. Turk
JEAN M. TURK
Special Assistant U.S. Attorney
Attorneys for Defendant

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ORDER

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2 Based upon the parties' above Stipulation for the Award and Payment of Equal Access to
3 Justice Act Fees, Costs, and Expenses, IT IS ORDERED that fees and expenses in the total
4 amount of THREE THOUSAND DOLLARS (\$3,000.00), as authorized by 28 U.S.C. §2412, be
5 awarded subject to the terms of the Stipulation.

6 IT IS SO ORDERED.

7
8 Dated: March 29, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE