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6 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 PERRY HOWARD VAUGHN,)

Case No. 1:15-CV-01247-GSA

10 Plaintiff)

**STIPULATION AND
ORDER FOR AWARD OF ATTORNEY'S
FEES UNDER THE EQUAL ACCESS TO
JUSTICE ACT (EAJA)**

11 v.)

12 NANCY A. BERRYHILL¹,)

13 Acting Commissioner of Social Security,)

14 Defendant)
15)
16)

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
18 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal
19 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SIX THOUSAND FOUR
20 HUNDRED dollars and ZERO cents (\$6,400.00). This amount represents compensation for all legal
21 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance
22 with 28 U.S.C. sec. 2412(d).

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

28 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as 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 EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If
2 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v.
3 Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for
4 EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's
5 assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are
6 made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's
7 attorney at the following address: Jacqueline A. Forslund, Forslund Law LLC, P.O. Box 4476,
8 Sunriver, Oregon 97707. This stipulation constitutes a compromise settlement of Plaintiff's request
9 for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant
10 under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from,
11 and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA
12 attorney fees in connection with this action.

13 Respectfully submitted,

14 Date: June 2, 2017

JACQUELINE A. FORSLUND
Attorney at Law

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

18 Date: June 2, 2017

19 PHILIP A. TALBERT
United States Attorney
20 DEBORAH STACHEL
Regional Chief Counsel, Region IX
21 Social Security Administration

22 /s/Lara A. Bradt
23 LARA A. BRADT
Special Assistant United States Attorney
24 *By email authorization
25 Attorney for Defendant
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2 ORDER

3 Plaintiff is awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C.
4 sec. 2412(d), in the amount of SIX THOUSAND FOUR HUNDRED dollars and ZERO cents
5 (\$6,400.00). Any fees paid shall be made pursuant to *Astrue v. Ratcliff*, 130 S.Ct. 2521 (2010) and in
6 compliance to the terms set forth by the above stipulation of the parties. (Doc. 24).

7 IT IS SO ORDERED.

8 Dated: June 5, 2017

9 /s/ Gary S. Austin
10 UNITED STATES MAGISTRATE JUDGE
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