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7	Attorneys for Defendant UNITED STATES DISTRICT COURT	
8	EASTERN DISTRICT OF CALIFORNIA	
9	FRESNO DIVISION	
10	JOSEPH JAMES BEASON,	Case No.: 1:15-CV-01281 EPG
11	Plaintiff,	STIPULATION AND ORDER SETTLING
12	vs. NANCY A. BERRYHILL,	ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28
13	Acting Commissioner of Social Security,	U.Š.C. § 2412(d) AND COSTS
14	Defendant. ¹	
15	IT IS HEREBY STIPULATED by and between the parties through their undersigned	
16 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 FIVE THOUSAND	
19	DOLLARS (\$5,000.00), and costs of FOUR HUNDRED DOLLARS (\$400.00). This amount	
20	represents compensation for all legal services rendered on behalf of Plaintiff by counsel in	
21	connection with this civil action, in 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	Noney A. Perryhill is now the Acting Commiss	ionar of Social Socurity, Durguent to Pula 25(d)
25	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	
26	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	
27	Act, 42 U.S.C. § 405(g).	
28		
	Stip. & Order for EAJA Fees: 1:15-CV-01281 EPG 1	

costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees, expenses and costs are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees, expenses and costs is entered, the government will determine whether they are subject to any offset.

Fees, expenses and costs shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to James A Yoro, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

Respectfully submitted,

/s/ James A. Yoro

JAMES A. YORO

Attorney for Plaintiff
[as authorized by EMAIL on May 26, 2017]

Dated: May 30, 2017

PHILIP A TALBERT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

By: /s/ Jean M. Turk
JEAN M. TURK
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to
Justice Act Fees, Costs, and Expenses (ECF No. 29), IT IS ORDERED that fees and expenses in
the amount of \$5,400.00, as authorized by 28 U.S.C. § 2412, be awarded subject to the terms of
the Stipulation. Plaintiffs' Motion for Attorney Fees (ECF Nos. 26, 28) is DENIED AS MOOT.
IT IS SO ORDERED

Dated: May 30, 2017

Stip. & Order for EAJA Fees: 1:15-CV-01281 EPG