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6 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 ROBERT DAVID TELLEZ, )

10 Plaintiff )

11 v. )

12 NANCY A. BERRYHILL<sup>1</sup>, )  
13 Acting Commissioner of Social Security, )

14 Defendant )  
15 )  
16 )

Case No. 1:15-CV-01693-GSA

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

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 FIVE THOUSAND SEVEN  
20 HUNDRED dollars and ZERO cents (\$5,700.00). This amount represents compensation for all legal  
21 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance  
with 28 U.S.C. sec. 2412(d).

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

27 1 Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of  
28 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: May 25, 2017

JACQUELINE A. FORSLUND  
Attorney at Law

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

18 Date: May 26, 2017

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

22 /s/Carolyn B. Chen  
23 CAROLYN B. CHEN  
Special Assistant United States Attorney  
24 \*By email authorization  
25 Attorney for Defendant

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ORDER

Plaintiff is awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of FIVE THOUSAND SEVEN HUNDRED dollars and ZERO cents (\$5,700.00). Any fees paid shall be made pursuant to *Astrue v. Ratcliff*, 130 S.Ct. 2521 (2010) and in compliance to the terms set forth by the above stipulation of the parties. (Doc. 23).

IT IS SO ORDERED.

Dated: May 30, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE