

1 PHILLIP A. TALBERT  
United States Attorney  
2 DEBORAH LEE STACHEL, CSBN 230138  
Regional Chief Counsel, Region IX  
3 Social Security Administration  
ASIM H. MODI, NYSBN 4692018  
4 Special Assistant United States Attorney  
160 Spear Street, Suite 800  
5 San Francisco, California 94105  
6 Tel: (415) 977-8952  
Fax: (415) 744-0134  
7 Email: asim.modi@ssa.gov  
Attorneys for Defendant

8  
9 Jonathan O. Peña, Esq.  
CA Bar ID No.: 278044  
10 Peña & Bromberg, PLC  
5740 N. Palm Avenue  
11 Suite 103  
Fresno, CA 93704  
12 Telephone: 559-412-5390  
13 Facsimile: 866-282-6709  
info@jonathanpena.com  
14 Attorney for Plaintiff, Emily Suzzan Williams

15 UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 EMILY SUZZAN WILLIAMS,

18 Plaintiff,

19 v.

20 NANCY A. BERRYHILL<sup>1</sup>, Acting  
21 Commissioner of Social Security,

22 Defendant.

Case No. 1:15-cv-1775-BAM

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

23  
24  
25  
26 <sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of  
27 Civil Procedure, the Court should substitute Nancy A. Berryhill for Acting Commissioner Carolyn W. Colvin as the  
28 defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section  
405(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE JUDGE OF THE  
2 UNITED STATES DISTRICT COURT:

3 The Parties through their undersigned counsel, subject to the Court's approval, stipulate that  
4 Plaintiff be awarded attorney fees in the amount of SIX THOUSAND, THREE HUNDRED AND  
5 THREE DOLLARS (\$6,303.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).  
6 This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel  
7 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
9 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,  
10 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on  
11 whether the fees are subject to any offset allowed under the United States Department of the  
12 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine  
13 whether they are subject to any offset.  
14

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

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees, and  
20 does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of SIX  
21 THOUSAND, THREE HUNDRED AND THREE DOLLARS (\$6,303.00) in EAJA attorney fees  
22 shall constitute a complete release from, and bar to, any and all claims that Plaintiff and Plaintiff's  
23 attorney, Jonathan O. Peña, may have relating to EAJA attorney fees in connection with this action.

24 //

25 //

26 //

27 //

28

1  
2 This award is without prejudice to the rights of Plaintiff's attorney to seek Social Security Act  
3 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

4 Respectfully submitted,

5  
6 Dated: June 15, 2017

/s/ Jonathan O. Peña  
JONATHAN O. PEÑA  
Attorney for Plaintiff

7  
8  
9 Dated: June 16, 2017

PHILLIP A. TALBERT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration

10  
11  
12 By: /s/ Asim Modi\*  
ASIM MODI  
Special Assistant U.S. Attorney  
Attorneys for Defendant  
(\*Permission obtained for use of electronic  
signature via email dated 6/16/17)

13  
14  
15  
16  
17 **ORDER**

18 Based upon the parties' above Stipulation for the Award and Payment of Equal Access to  
19 Justice Act Fees, Costs, and Expenses, IT IS ORDERED that fees and expenses in the total amount of  
20 six thousand three hundred and three dollars (\$6,303.00), as authorized by 28 U.S.C. §2412, be  
21 awarded subject to the terms of the Stipulation.

22  
23 IT IS SO ORDERED.

24 Dated: June 20, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE