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Attorneys for Plaintiff, Christine Dalories Frye

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTINE DALORIES FRYE,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

Case No. 1:15-CV-01819-EFB

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

TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE OF  
THE UNITED STATES DISTRICT COURT:

The Parties through their undersigned counsel, subject to the Court's approval,  
stipulate that Plaintiff be awarded attorney fees in the amount of SEVEN THOUSAND,  
TWO HUNDRED DOLLARS (\$7,200.00) under the Equal Access to Justice Act

1 (EAJA), 28 U.S.C. § 2412(d), and FOUR HUNDRED (\$400.00) in costs to be paid  
2 separately from the Judgment Fund. This amount represents compensation for all legal  
3 services rendered on behalf of Plaintiff by counsel in connection with this civil action,  
4 in accordance with 28 U.S.C. § 2412(d).

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

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

17 This stipulation constitutes a compromise settlement of Plaintiff's request for  
18 EAJA fees, and does not constitute an admission of liability on the part of Defendant  
19 under EAJA or otherwise. Payment of SEVEN THOUSAND, TWO HUNDRED  
20 DOLLARS (\$7,200.00) in EAJA attorney fees, and FOUR HUNDRED (\$400.00) in  
21 costs to be paid separately from the Judgment Fund, shall constitute a complete release  
22 from, and bar to, any and all claims that Plaintiff and Plaintiff's attorney, Karl E.  
23 Osterhout, may have relating to EAJA attorney fees in connection with this action.

24 This award is without prejudice to the rights of Plaintiff's attorney to seek Social  
25 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
26 provisions of the EAJA.  
27  
28

1 Respectfully submitted,

2  
3 Dated: May 8, 2017

/s/ Karl E. Osterhout

KARL E. OSTERHOUT

Attorney for Plaintiff

5  
6 Dated: May 8, 2017

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

8  
9 Dated: May 16, 2017

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

13  
14 By: /s/ Sharon Lahey<sup>1</sup>

SHARON LAHEY

Special Assistant U.S. Attorney

Attorneys for Defendant

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27 <sup>1</sup> Permission for use of electronic signature obtained from counsel by email dated  
28 5/16/17.

1 **ORDER**

2 Based upon the parties' Stipulation for the Award and Payment of Equal Access  
3 to Justice Act Fees, Costs, and Expenses:

4 IT IS ORDERED that fees and expenses in the amount of \$7,200.00 under the  
5 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$400.00 in costs to be  
6 paid separately from the Judgment Fund pursuant to the terms of the parties' stipulation.  
7

8 IT IS SO ORDERED.

9  
10 Dated: **May 19, 2017**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE