

1 Melissa Newel (#148563)
2 NEWEL LAW
3 352 24th Street
4 Oakland, CA 94612
5 (510) 316-3827
6 mnewel@newellawfirm.com
7 Attorney for Plaintiff
8 SUNNIE ZOTOS
9
10 PHILLIP A. TALBERT
11 United States Attorney
12 DEBORAH LEE STACHEL
13 Regional Chief Counsel, Region IX
14 MARCELO N. ILLARMO
15 Social Security Administration
16 160 Spear Street, Suite 800
17 San Francisco, CA 94105
18 (415) 977-8944
19 Marcelo.Illarmo@ssa.gov
20 Attorneys for Defendant

21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA
23

24 SUNNIE ZOTOS,

25 Plaintiff,

26 v.

27 CAROLYN W. COLVIN¹,
28 ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:16-CV-0060 (BAM)

**STIPULATION AND ORDER FOR
AWARD AND PAYMENT OF
ATTORNEYS FEES AND EXPENSES
PURSUANT TO EAJA 28 U.S.C. §2412(d)**

IT IS HEREBY STIPULATED by and between the parties, through their undersigned

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 attorneys, subject to the approval of the Court, that Sunnie Zotos (“Plaintiff”) be awarded
2 attorney fees and expenses under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d),
3 in the amount of four thousand two hundred ten dollars and six cents (\$4,210.06) and seven
4 dollars and seventeen cents (\$7.17) in postage expenses, for a total of four thousand two hundred
5 seventeen dollars and twenty-three cents (\$4,217.23). This represents compensation for legal
6 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
7 accordance with 28 U.S.C. §§1920; 2412 (d).

8 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider
9 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*
10 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
11 attorney 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
13 determine whether they are subject to any offset.

14 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
15 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
16 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
17 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any payments made shall
18 be delivered to Plaintiff’s counsel.

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

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28 This award is without prejudice to the rights of Plaintiff’s counsel to seek Social Security

1 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

2 Respectfully submitted,

3 Dated: March 17, 2017

NEWEL LAW

4 By: Melissa Newel

Melissa Newel

Attorney for Plaintiff

SUNNIE ZOTOS

6 Dated: March 17, 2017

PHILLIP A. TALBERT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

9 By: Marcelo Illarmo*

MARCELO N. ILLARMO

(Authorized by email dated 03/17/2017)

Special Assistant U.S. Attorney

Attorneys for Defendant

13 **ORDER**

14 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice
15 Act Fees, Costs, and Expenses, IT IS ORDERED that fees and expenses in the amount of four
16 thousand two hundred and seventeen dollars and twenty three cents (\$4,217.23), as authorized by
17 28 U.S.C. §2412, be awarded subject to the terms of the Stipulation.
18

19 IT IS SO ORDERED.

20 Dated: March 21, 2017

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE