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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12

13 TOU VUE,) Case No. 1:16-cv-00155-BAM
14 Plaintiff,)
15 v.) **JOINT STIPULATION AND ORDER FOR**
16 NANCY A. BERRYHILL, Acting) **THE AWARD AND PAYMENT OF**
17 Commissioner of Social Security,) **ATTORNEY FEES AND EXPENSES**
18 Defendant.) **PURSUANT TO THE EQUAL ACCESS**
19) **TO JUSTICE ACT, 28 U.S.C.**
20) **§ 2412(d)**
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21 IT IS HEREBY STIPULATED by and between the parties through their undersigned
22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and
23 expenses in the amount of Six Thousand Five Hundred dollars (\$ 6,500.00) under the Equal
24 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
25 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action,
26 in accordance with 28 U.S.C. § 2412(d).

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
28 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel, Kelsey Brown.

1 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the
2 ability to honor the assignment will depend on whether the fees are subject to any offset
3 allowed under the United States Department of the Treasury's Offset Program. After the order
4 for EAJA fees is entered, the government will determine whether they are subject to any offset.

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

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

14 This award is without prejudice to the rights of counsel to seek Social Security Act
15 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

16 Respectfully submitted,

17 Dated: April 26, 2019

18 By: /s/ Beatrice Na for Kelsey Brown *
19 KELSEY BROWN
(* By email authorization on April 26, 2019)

20 Attorney for Plaintiff

21
22 Dated: April 26, 2019

23 By: /s/ Beatrice Na
BEATRICE NA
Special Assistant United States Attorney

24 Attorney for Defendant
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ORDER

Based upon the parties' stipulation for the award and payment of attorney's fees pursuant to the Equal Access to Justice Act ("Stipulation") filed on April 26, 2019, IT IS HEREBY ORDERED that, pursuant to 28 U.S.C. § 2412, fees in the amount of six thousand five hundred dollars (\$6,500.00) be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: April 30, 2019

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE