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7 Attorney for Plaintiff,

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 TONI ISAAC,

11 Plaintiff,

12 vs.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant

Case No.: 1:16-CV-00232-SKO

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

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16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
17 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
18 EAJA in the amount of FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00). This
19 amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by
20 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.
21

22 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
23 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
24 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
25 assignment will depend on whether the fees and expenses are subject to any offset allowed under
26 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
27 and expenses is entered, the government will determine whether they are subject to any offset.
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1 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the
3 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
4 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
5

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
7 attorney fees and expenses, and does not constitute an admission of liability on the part of
8 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
9 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
10 EAJA attorney fees and expenses in connection with this action.
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12 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
13 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
14

15
16 Respectfully submitted,

17 Dated: April 26, 2017

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

19
20 PHILLIP A. TALBERT
United States Attorney
21 DEBORAH LEE STACHEL
Regional Chief Counsel
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23 Date: April 26, 2017

/s/ Jeffrey Chen
JEFFREY CHEN
24 (As authorized via email on 4/26/17)
Special Assistant United States Attorney
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1
2 **ORDER**

3 Based upon the above Stipulation for the Award of Attorney Fees Pursuant to the Equal
4 Access to Justice Act, 28 U.S.C. § 2412(d), (Doc. 19), IT IS ORDERED that fees in the amount
5 of four thousand five hundred dollars (\$4,500.00) under EAJA, 28 U.S.C. § 2412(d), be awarded
6 subject to the terms of the above Stipulation.

7 IT IS SO ORDERED.

8 Dated: May 2, 2017

9 /s/ Sheila K. Oberto
10 UNITED STATES MAGISTRATE JUDGE

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