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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STAN P. HARRIS, )  
)  
Plaintiff )  
)  
v. )  
)  
NANCY A. BERRYHILL<sup>1</sup>, )  
Acting Commissioner of Social Security, )  
)  
Defendant )  
)  
\_\_\_\_\_ )

Case No. 1:16-CV-00384-GSA  
**STIPULATION AND ORDER  
FOR AWARD OF ATTORNEY'S  
FEES UNDER THE EQUAL ACCESS TO  
JUSTICE ACT (EAJA)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SIX THOUSAND SIX HUNDRED dollars and ZERO cents (\$6,600.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d).

After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the fees and expenses are subject to an offset allowed under the United States Department of the Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If

<sup>1</sup> 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 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v.  
2 Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for  
3 EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's  
4 assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are  
5 made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's  
6 attorney at the following address: Jacqueline A. Forslund, Forslund Law LLC, P.O. Box 4476,  
7 Sunriver, Oregon 97707. This stipulation constitutes a compromise settlement of Plaintiff's request  
8 for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant  
9 under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from,  
10 and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA  
11 attorney fees in connection with this action.

12 Respectfully submitted,

13 Date: November 13, 2017

JACQUELINE A. FORSLUND  
Attorney at Law

15 /s/Jacqueline A. Forslund  
16 JACQUELINE A. FORSLUND  
17 Attorney for Plaintiff

18 Date: November 13, 2017

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

21 /s/Chantal R. Jenkins  
22 CHANTAL R. JENKINS  
23 Special Assistant United States Attorney  
24 \*By email authorization  
25 Attorney for Defendant

1 ORDER

2 Pursuant to the stipulation of the parties (Doc. 22), Plaintiff shall be awarded attorney's fees under the Equal  
3 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND SIX HUNDRED dollars and  
4 ZERO cents (\$6,600.00). Payment shall be made pursuant to *Astrue v. Ratcliff*, 130 S. Ct. 2521 (2010) in accordance  
5 with the terms of the stipulation outlined above.

6 IT IS SO ORDERED.

7 Dated: November 15, 2017

8 /s/ Gary S. Austin  
9 UNITED STATES MAGISTRATE JUDGE