1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8 TUESDAY KIMBERLY SHANK, Case No. 1:16-CV-00423-GSA 9 Plaintiff STIPULATION AND 10 ORDER FOR AWARD OF ATTORNEY'S 11 FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT (EAJA) 12 NANCY A. BERRYHILL, Acting Commissioner of Social Security, 13 14 Defendant 15 16 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, 17 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal 18 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of EIGHT THOUSAND dollars 19 and ZERO cents (\$8,000.00). This amount represents compensation for all legal services rendered on 20 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d). 21 After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the 22 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to 23 Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the 24 fees and expenses are subject to an offset allowed under the United States Department of the 25 Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of 26 EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If 27 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v. 28 Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for

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1	EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's		
2	assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are		
3	made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's		
	attorney at the following address: Jacqueline A. Forslund, Forslund Law LLC, P.O. Box 4476,		
4	Sunriver, Oregon 97707. This stipulation constitutes a compromise settlement of Plaintiff's request		
5	for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant		
6	under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from		
7	and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA		
8	attorney fees in connection with this action.		
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10		Respectfully submitted,	
11	Date: April 20, 2017	JACQUELINE A. FORSLUND	
12		Attorney at Law	
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14		<u>/s/Jacqueline A. Forslund</u> JACQUELINE A. FORSLUND	
15		Attorney for Plaintiff	
	Date: April 21, 2017	PHILIP A. TALBERT	
16	Bate. April 21, 2017	United States Attorney	
17		DEBORAH STACHEL Regional Chief Counsel, Region IX	
18		Social Security Administration	
19		/s/Michael V Marriott	
20		<u>/s/Michael K. Marriott</u> MICHAEL K. MARRIOTT	
21		Special Assistant United States Attorney *By email authorization	
22		Attorney for Defendant	
23			
		<u>ORDER</u>	
24	Pursuant to the above stipulation of	the parties (Doc. 24), Plaintiff shall be awarded attorney's	
25	fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of EIGHT		
26	THOUSAND dollars and ZERO cents (\$8,0	000.00). This amount represents compensation for all	
27	legal services rendered on behalf of Plaintif	f by counsel in connection with this civil action, in	
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1	accordance with 28 U.S.C. sec. 2412(d). Payment shall be made pursuant to <u>Astrue v. Ratcliff</u> , 13	
2	S.Ct. 2521 (2010) and in accordance with the terms as set forth in the above agreement.	
3	IT IS SO ORDERED.	
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5	Dated: April 25, 2017 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE	
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