

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 JENYNE ANN THORNTON

9 MCGREGOR W. SCOTT
10 United States Attorney
11 DEBORAH LEE STACHEL
12 Regional Chief Counsel, Region IX
13 TINA L. NAICKER
14 Special Assistant U.S. Attorney
15 Social Security Administration
16 160 Spear Street, Suite 800
17 San Francisco, CA 94105
18 (415) 268-5611
19 Tina.Naicker@ssa.gov

20 Attorneys for Defendant

21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA

23 JENYNE ANN THORNTON,
24 Plaintiff,

25 v.

26 NANCY A. BERRYHILL,
27 ACTING COMMISSIONER OF
28 SOCIAL SECURITY,
29 Defendant.

No. 1:16-CV-00816 (GSA)

**STIPULATION AND ORDER FOR
AWARD OF ATTORNEYS FEES
PURSUANT TO EAJA 28 U.S.C. §2412**

**ORDER DENYING PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES AS
MOOT**

(Doc. 37)

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IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Jenyne Ann Thornton (“Plaintiff”) be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d), in the amount of four thousand nine hundred and sixty dollars and eleven cents (\$4,960.11). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

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

This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees and costs in connection with this action. This award is without prejudice to the rights of Plaintiff’s

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ORDER

Pursuant to the above stipulation, fees in the amount of **four thousand nine hundred and sixty dollars and eleven cents (\$4,960.11)**, be awarded to Plaintiff’s counsel as authorized by 28 U.S.C. §2412(d). All payments are subject to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010) and shall be awarded in accordance with the terms of the above stipulation. Given the above stipulation, Plaintiff’s Motion for Attorney’s Fees filed on May 7, 2018 (Doc. 37) is DENIED as moot.

IT IS SO ORDERED.

Dated: June 7, 2018

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE