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2 NEWEL LAW  
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7 Attorney for Plaintiff  
8 DESIREE MCDOUGAL o.b.o.  
9 WALTER INMAN, deceased

10 MCGREGOR W. SCOTT  
11 United States Attorney  
12 DEBORAH LEE STACHEL  
13 Regional Chief Counsel, Region IX  
14 TIMOTHY R. BOLIN  
15 Special Assistant U.S. Attorney  
16 Social Security Administration  
17 160 Spear Street, Suite 800  
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21 Attorneys for Defendant

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

22 DESIREE MCDOUGAL, o.b.o.  
23 WALTER INMAN, deceased,

24 Plaintiff,

25 v.

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

Defendant.

No. 1:16-CV-00962 (EPG)

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

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court, that Desiree McDougal (Plaintiff) be awarded  
3 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d), in the amount of  
4 five thousand four hundred and thirty dollars and forty-two cents (\$5,430.42). This represents  
5 compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this  
6 civil action, in accordance with 28 U.S.C. § 2412(d).

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

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

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

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

Respectfully submitted,

Dated: January 9, 2018

NEWEL LAW

By: Melissa Newel  
Melissa Newel  
Attorney for Plaintiff  
DESIREE MCDOUGAL o.b.o.  
WALTER INMAN, deceased

Dated: January 29, 2018

MCGREGOR W. SCOTT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration

By: Timothy Bolin\*  
TIMOTHY BOLIN  
(\*Authorized by email dated 01/29/2018)  
Special Assistant U.S. Attorney  
Attorneys for Defendant

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**ORDER**

Based upon the parties' Stipulation for the Award and Payment of Attorney Fees Pursuant to EAJA, IT IS ORDERED that fees in the amount of **five thousand four hundred and thirty dollars and forty-two cents (\$5,430.42)**, as authorized by 28 U.S.C. §2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **January 29, 2018**

*/s/ Eric P. Gray*  
UNITED STATES MAGISTRATE JUDGE