

Attorneys for Defendant

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

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

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

Plaintiff,

V.

NANCY A. BERRYHILL,
ACTING COMMISSIONER OF
SOCIAL SECURITY.

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

Defendant.

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.

Dated: January 9, 2018

Respectfully submitted,

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

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. Gross
UNITED STATES MAGISTRATE JUDGE