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20 Attorneys for Defendant

21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA

23 SOUA YANG,
24 Plaintiff,

25 v.

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

No. 1:16-CV-01195 (GSA)

**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 Soua Yang (“Plaintiff”) be awarded attorney
3 fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d), in the amount of
4 four thousand three hundred and forty dollars and forty-three cents (\$4,340.43). 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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1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
2 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

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4 Dated: February 6, 2018
5 Respectfully submitted,
6 NEWEL LAW

7 By: Melissa Newel
8 Melissa Newel
9 Attorney for Plaintiff
10 SOUA YANG

11 Dated: February 14, 2018
12 MCGREGOR W. SCOTT
13 United States Attorney
14 DEBORAH LEE STACHEL
15 Regional Chief Counsel, Region IX
16 Social Security Administration

17 By: Richard M. Rodriguez*
18 RICHARD M. RODRIGUEZ
19 (*Authorized by email dated 02/14/2018)
20 Special Assistant U.S. Attorney
21 Attorneys for Defendant

22 **ORDER**

23 Based upon the parties' stipulation (Doc. 27) for the award and payment of attorney fees
24 pursuant to 28 U.S.C. §2412(d), fees in the amount of **four thousand three hundred and forty**
25 **dollars and forty-three cents (\$4,340.43)** shall be awarded to Plaintiff subject to the terms of the
26 stipulation.

27 IT IS SO ORDERED.

28 Dated: February 16, 2018

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE