

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL, CSBN 230138
Regional Chief Counsel, Region IX
Social Security Administration
DANIEL P. TALBERT
Special Assistant United States Attorney
Assistant Regional Counsel
Social Security Administration, Region IX
160 Spear Street, Suite 800
San Francisco, California 94105
Tel: (415) 977-8995
Fax: (415) 977-8873
E-mail: Daniel.talbert@ssa.gov
Attorneys for Defendant

Jonathan O. Peña, Esq.
CA Bar ID No.: 278044
Peña & Bromberg, PLC
5740 N. Palm Avenue
Suite 103
Fresno, CA 93704
Telephone: 559-412-5390
Facsimile: 866-282-6709
info@jonathanpena.com
Attorney for Plaintiff, Tigran Iskenyan

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

TIGRAN ISKENYAN.

Case No. 1:17-cv-0489-BAM

Plaintiff,

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT (EAJA)
28 U.S.C. § 2412(d)

NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

TO THE HONORABLE BARBARA A. McAULIFFE, MAGISTRATE JUDGE OF THE

UNITED STATES DISTRICT COURT:

The Parties through their undersigned counsel, subject to the Court's approval, stipulate that
ff be awarded attorney fees in the amount of FOUR THOUSAND, EIGHT HUNDRED

1 DOLLARS and 00/100 (\$4,800.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.
2 § 2412(d) and FOUR HUNDRED DOLLARS (\$400.00) as reimbursement of costs expended, to be
3 paid separately from the Judgment Fund. This amount represents compensation for all legal services
4 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
5 U.S.C. § 2412(d).

6 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
7 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
8 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
9 whether the fees are subject to any offset allowed under the United States Department of the
10 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
11 whether they are subject to any offset.

12 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
13 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
14 and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any
15 payments made shall be delivered to Plaintiff's counsel, Jonathan O. Peña.

16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA fees, and
17 does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of
18 FOUR THOUSAND, EIGHT HUNDRED DOLLARS and 00/100(\$4,800.00) in EAJA attorney fees,
19 and FOUR HUNDRED DOLLARS (\$400.00) to be paid from the Judgment Fund, shall constitute a
20 complete release from, and bar to, any and all claims that Plaintiff and Plaintiff's attorney, Jonathan O.
21 Peña, may have relating to EAJA attorney fees in connection with this action.

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

Dated: March 9, 2018

/s/ Jonathan O. Peña
JONATHAN O. PEÑA
Attorney for Plaintiff

Dated: March 9, 2018

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

By: /s/ Daniel P. Talbert*
DANIEL P. TALBERT
Special Assistant U.S. Attorney
Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on 3/9/18).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, IT IS ORDERED that fees in the amount of FOUR THOUSAND, EIGHT HUNDRED DOLLARS and 00/100(\$4,800.00) in attorney fees as authorized by 28 U.S.C. §2412 and FOUR HUNDRED DOLLARS (\$400.00) in costs to be paid from the Judgment Fund, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **March 9, 2018**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE