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8 Attorney for Plaintiff

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 JACKIE LYNN SILVA,
12 Plaintiff,

Case No.: 1:17-cv-00513-GSA

13 vs.

14 NANCY A BERRYHILL,
15 Acting Commissioner of Social Security,

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

16 Defendant

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18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
20 EAJA in the amount of TWO THOUSAND TWO-HUNDRED EIGHTEEN DOLLARS AND
21 ZERO (\$2,218.00). This amount represents compensation for all legal services rendered on
22 behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28
23 U.S.C. § 2412.
24

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
27 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
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1 assignment will depend on whether the fees and expenses are subject to any offset allowed under
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
3 and expenses is entered, the government will determine whether they are subject to any offset.
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
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9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees and expenses, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses in connection with this action.
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15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
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18

19 Respectfully submitted,

20 Dated: May 22, 2018

/s/Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

23 McGREGOR W. SCOTT
United States Attorney
24 DEBORAH L. STACHEL
Regional Chief Counsel, Region IX
25

26 Dated: May 22, 2018

/s/Donna W. Anderson
(As authorized via email on 5/15/18)
DONNA W. ANDERSON
Special Assistant United States Attorney
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1 **ORDER**

2 Pursuant to the above stipulation of the parties (Doc. 24), Plaintiff's counsel shall be
3 awarded attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in
4 the amount of TWO THOUSAND TWO-HUNDRED EIGHTEEN DOLLARS AND ZERO
5 CENTS (\$2,218.00). All fees will be subject to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), and shall
6 be paid in accordance to the terms outlined in the stipulation.
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9 IT IS SO ORDERED.

10 Dated: May 22, 2018

11 /s/ Gary S. Austin

12 UNITED STATES MAGISTRATE JUDGE
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