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6 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 FRED D. MCMILLEN, )

10 Plaintiff )

11 v. )

12 NANCY A. BERRYHILL, )  
13 Acting Commissioner of Social Security, )

14 Defendant )

Case No. 1:17-CV-00664-SKO

**STIPULATION AND  
ORDER FOR AWARD OF ATTORNEY'S  
FEES UNDER THE EQUAL ACCESS TO  
JUSTICE ACT (EAJA) AND ORDER  
DENYING AS MOOT MOTION FOR  
ATTORNEY'S FEES**

(Docs. 30 & 33)

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
17 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal  
18 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SIX THOUSAND THREE  
19 HUNDRED dollars and ZERO cents (\$6,300.00). This amount represents compensation for all legal  
20 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance  
21 with 28 U.S.C. sec. 2412(d).

22 After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the  
23 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to  
24 Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the  
25 fees and expenses are subject to an offset allowed under the United States Department of the  
26 Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of  
27 EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If  
28 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v.  
Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for

1 EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's  
2 assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are  
3 made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's  
4 attorney at the following address: Jacqueline A. Forslund, Forslund Law LLC, P.O. Box 4476,  
5 Sunriver, Oregon 97707. This stipulation constitutes a compromise settlement of Plaintiff's request  
6 for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant  
7 under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from,  
8 and bar to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA  
9 attorney fees in connection with this action.

10 Respectfully submitted,

11 Date: December 4, 2018

JACQUELINE A. FORSLUND  
Attorney at Law

13 /s/Jacqueline A. Forslund  
14 JACQUELINE A. FORSLUND  
15 Attorney for Plaintiff

16 Date: December 4, 2018

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

19 /s/Carolyn B. Chen  
20 CAROLYN B. CHEN  
21 Special Assistant United States Attorney  
22 \*By email authorization  
23 Attorney for Defendant

24 ORDER

25 Based upon the parties' above "Stipulation for Award of Attorney's Fees Under the Equal  
26 Access to Justice Act (EAJA)" (the "Stipulation") (Doc. 33), IT IS ORDERED that fees in the amount  
27 of SIX THOUSAND THREE HUNDRED dollars and ZERO cents (\$6,300.00) as authorized by 28  
28 U.S.C. § 2412, be awarded subject to the terms of the Stipulation.

1           It is further ORDERED that Plaintiff's Motion for Attorney's Fees Under the Equal Access to  
2 Justice Act (Doc. 30) is hereby DENIED AS MOOT.

3  
4 IT IS SO ORDERED.

5 Dated: December 6, 2018

/s/ Sheila K. Olerto  
6 UNITED STATES MAGISTRATE JUDGE