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19 Attorneys for Defendant

20 UNITED STATES DISTRICT COURT  
21 EASTERN DISTRICT OF CALIFORNIA

22 OLGA ORDAZ,

23 Plaintiff,

24 v.

25 NANCY A. BERRYHILL,  
26 ACTING COMMISSIONER OF  
27 SOCIAL SECURITY,

28 Defendant.

No. 1:17-CV-1141 (BAM)

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

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court, that Olga Ordaz (Plaintiff) be awarded attorney  
3 fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412 (d), in the  
4 amount of one thousand nine hundred twenty-eight dollars and ninety-five cents (\$1,928.95). This  
5 represents compensation for legal services rendered on behalf of Plaintiff by counsel in  
6 connection with this 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 expenses 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.

3  
4 Respectfully submitted,

5 Dated: October 11, 2018

NEWEL LAW

6 By: Melissa Newel  
7 Melissa Newel  
8 Attorney for Plaintiff  
9 OLGA ORDAZ

10 Dated: October 11, 2018

McGREGOR W. SCOTT  
11 United States Attorney  
12 DEBORAH LEE STACHEL  
13 Regional Chief Counsel, Region IX  
14 Social Security Administration

15 By: Jennifer A. Kenney\*  
16 JENNIFER A. KENNEY  
17 (\*Authorized by email dated 10/11/2018)  
18 Special Assistant U.S. Attorney  
19 Attorneys for Defendant

20 **ORDER**

21 Based upon the parties' stipulation for the award and payment of attorney's fees pursuant  
22 to the Equal Access to Justice Act ("Stipulation") filed on October 11, 2018, IT IS HEREBY  
23 ORDERED that, pursuant to 28 U.S.C. §2412, fees in the amount of one thousand nine hundred  
24 twenty-eight dollars and ninety-five cents (\$1,928.95) be awarded subject to the terms of the  
25 Stipulation.

26 IT IS SO ORDERED.

27 Dated: October 15, 2018

/s/ Barbara A. McAuliffe  
28 UNITED STATES MAGISTRATE JUDGE