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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUSSELL JOHNSON,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,

Defendant.

Case No. 1:17-cv-1365-EPG

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

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Russell Johnson (Plaintiff) be awarded

1 attorney fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412 (d), in
2 the amount of two thousand five hundred one dollars and thirty-seven cents (\$2,501.37). This
3 represents compensation for legal services rendered on behalf of Plaintiff by counsel in
4 connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

5 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider
6 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v.*
7 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
8 attorney fees are subject to any offset allowed under the United States Department of the
9 Treasury's Offset Program. After the Order for EAJA fees is entered, the government will
10 determine whether they are subject to any offset.

11 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
12 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
13 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
14 "Plaintiff's counsel"), pursuant to the assignment executed by Plaintiff. Any and all payments
15 made shall be delivered to Plaintiff's counsel.

16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
17 attorney fees and does not constitute an admission of liability on the part of Defendant under
18 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
19 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
20 and expenses in connection with this action.

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

Dated: September 17, 2018

Respectfully submitted,
NEWEL LAW

By: Melissa Newel
Melissa Newel
Attorney for Plaintiff
RUSSELL JOHNSON

Dated: September 17, 2018

PHILLIP A. TALBERT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

By: Tina Naicker*
TINA NAICKER
(*Authorized by email dated 09/14/2018)
Special Assistant U.S. Attorney
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ORDER

IT IS HEREBY ORDERED that, pursuant to 28 U.S.C. §2412, fees in the amount of two thousand five hundred one dollars and thirty-seven cents (\$2,501.37) be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: September 18, 2018

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE