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19 UNITED STATES DISTRICT COURT  
20 FOR THE EASTERN DISTRICT OF CALIFORNIA  
21 FRESNO DIVISION

22 MICHELLE RENEE ROSS,

23 Plaintiff,

24 v.

26 NANCY A. BERRYHILL, Acting  
27 Commissioner of Social Security,

28 Defendant.

Case No. 1:17-cv-1439-JLT

STIPULATION AND [PROPOSED]  
ORDER FOR THE AWARD OF  
ATTORNEY FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT (EAJA)  
28 U.S.C. § 2412(d)  
(Doc. 22)

1 TO THE HONORABLE JENNIFER L. THURSTON, MAGISTRATE JUDGE  
2 OF THE UNITED STATES DISTRICT COURT:

3 The Parties through their undersigned counsel, subject to the Court's approval,  
4 stipulate that Plaintiff be awarded attorney fees in the amount of TWO THOUSAND,  
5 SIX HUNDRED DOLLARS and 00/100 (\$2,600.00) under the Equal Access to Justice  
6 Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal  
7 services rendered on behalf of Plaintiff by counsel in connection with this civil action,  
8 in accordance with 28 U.S.C. § 2412(d).

9 After the Court issues an order for EAJA fees to Plaintiff, the government will  
10 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to  
11 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability  
12 to honor the assignment will depend on whether the fees are subject to any offset  
13 allowed under the United States Department of the Treasury's Offset Program. After  
14 the order for EAJA fees is entered, the government will determine whether they are  
15 subject to any offset.  
16

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

22 This stipulation constitutes a compromise settlement of Plaintiff's request for  
23 EAJA fees, and does not constitute an admission of liability on the part of Defendant  
24 under the EAJA. Payment of TWO THOUSAND, SIX HUNDRED DOLLARS and  
25 00/100 (\$2,600.00) in EAJA attorney fees shall constitute a complete release from, and  
26 bar to, any and all claims that Plaintiff and Plaintiff's attorney, Jonathan O. Peña, may  
27 have relating to EAJA attorney fees in connection with this action.  
28

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

4 Respectfully submitted,

5  
6 Dated: October 22, 2018

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

7  
8  
9 Dated: October 23, 2018

MCGREGOR W. SCOTT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

10  
11  
12  
13 By: /s/ Carolyn Chen\*

CAROLYN CHEN

Special Assistant U.S. Attorney

Attorneys for Defendant

(\*Permission to use electronic signature  
14  
15  
16  
17 obtained via email on 10/23/18).

18  
19 IT IS SO ORDERED.

20 Dated: October 24, 2018

/s/ Jennifer L. Thurston

UNITED STATES MAGISTRATE JUDGE