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21 Attorneys for Defendant

22 UNITED STATES DISTRICT COURT
23 EASTERN DISTRICT OF CALIFORNIA

24 LACOLE SPAULDING,)
25 on behalf of N.D.J. a minor,) CASE NO.: 1:18-cv-00325-GSA
26)
27 Plaintiff,)
28) STIPULATION FOR AWARD
v.) OF EAJA FEES
NANCY A. BERRYHILL, Deputy)
Commissioner for Operations,)
performing the duties and functions)
not reserved to the Commissioner of)
of Social Security,)
Defendant.)
_____)

1 IT IS HEREBY STIPULATED by and between the parties through their
2 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
3 ONE THOUSAND SIX HUNDRED DOLLARS AND 00/100 (\$1,600.00) under
4 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28
5 U.S.C. § 1920. This amount represents compensation for all legal services rendered
6 on behalf of Plaintiff by counsel in connection with this civil action, in accordance
7 with 28 U.S.C. §§ 1920, 2412(d).

8 After the Court issues an order for EAJA fees to Plaintiff, the government
9 will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney.
10 Pursuant to Astrue v. Ratliff, 560 U.S. 568, 598, 130 S.Ct. 2521, 2252-53 (2010),
11 the ability to honor the assignment will depend on whether the fees are subject to
12 any offset allowed under the United States Department of the Treasury's Offset
13 Program. After the order for EAJA fees is entered, the government will determine
14 whether they are subject to any offset.

15 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
16 determines that Plaintiff does not owe a federal debt, then the government shall
17 cause the payment of fees to be made directly to ROGER DRAKE, pursuant to the
18 assignment executed by Plaintiff. Any payments made shall be delivered to
19 Plaintiff's counsel.

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

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

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DATED: January 11, 2019

By: /s/ Roger D. Drake
ROGER D. DRAKE
Attorney for Plaintiff

DATED: January 11, 2019

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

By: /s/ Margaret Branick-Abilla
MARGARET BRANICK-ABILLA
Special Assistant United States Attorney
Attorneys for Defendant
[Per email authorization on 01/11/2019]

IT IS SO ORDERED.

Dated: January 15, 2019

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE