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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 ISRAEL MUNOZ FERRER,

14 Plaintiff,

15 vs.

16 ANDREW SAUL,
17 Commissioner of Social Security,

18 Defendant.
19

) Case No. 1:18-cv-00494-GSA

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

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
22 amount of SIX THOUSAND, SEVEN HUNDRED, FIFTEEN DOLLARS AND ZERO CENTS
23 (\$6,715.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount
24 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
25 connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).
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Stipulation and [Proposed] Order
1:18-cv-00494-GSA

1 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
2 the matter of Plaintiff's assignment of EAJA fees to counsel Kelsey Brown, Mackenzie Legal,
3 PLLC. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the
4 assignment will depend on whether the fees are subject to any offset allowed under the United
5 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
6 the government will determine whether they are subject to any offset.

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
8 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
9 be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any payments
10 made shall be delivered to counsel.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
13 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
14 bar to, any and all claims that Plaintiff and/or counsel Kelsey Brown, including Mackenzie
15 Legal, PLLC, may have relating to EAJA attorney fees in connection with this action.

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

3 Respectfully submitted,

4 Dated: January 22, 2020

MACKENZIE LEGAL, PLLC

6 By: /s/ Kelsey Mackenzie Brown*

7 KELSEY MACKENZIE BROWN

8 Attorneys for Plaintiff

[*As authorized by e-mail on Jan. 22, 2020]

9
10 Dated: January 23, 2020

McGREGOR W. SCOTT

11 United States Attorney

DEBORAH LEE STACHEL

12 Regional Chief Counsel, Region IX

13 Social Security Administration

14 By: /s/ Margaret Branick-Abilla

15 MARGARET BRANICK-ABILLA

16 Special Assistant United States Attorney

Attorneys for Defendant

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18 IT IS SO ORDERED.

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20 Dated: January 23, 2020

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE