

1 Melissa Newel (#148563)
2 NEWEL LAW
3 2625 Alcatraz Ave., Suite 132
4 Berkeley, CA 94705
5 (510) 316-3827
6 mnewel@newellawfirm.com

7 Attorney for Plaintiff
8 JADA NANETTE LIMA

9 MCGREGOR W. SCOTT
10 United States Attorney
11 DEBORAH LEE STACHEL
12 Regional Chief Counsel, Region IX
13 TINA NAICKER
14 Social Security Administration
15 Assistant United States Attorney
16 160 Spear Street, Suite 800
17 San Francisco, CA 94105
18 (415) 268-5611
19 tina.naicker@ssa.gov

20 Attorneys for Defendant

21 UNITED STATES DISTRICT COURT
22 EASTERN DISTRICT OF CALIFORNIA

23 JADA NANETTE LIMA,
24
25 Plaintiff,

26 v.

27 ANDREW SAUL¹,
28 COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

No. 1:18-CV-0816 (JDP)

**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 Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Andrew Saul is hereby substituted as the named defendant in the above-referenced action.

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
2 attorneys, subject to the approval of the Court, that Jada Nanette Lima (“Plaintiff”) be awarded
3 attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the
4 amount of two thousand six hundred ninety-one dollars and thirty-six cents (\$2,691.36). 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.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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: June 28, 2019

NEWEL LAW

6 By: Melissa Newel

7 Melissa Newel
8 Attorney for Plaintiff
9 JADA NANETTE LIMA

10 Dated: June 28, 2019

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

15 By: Tina Naicker*

16 TINA NAICKER
17 (*Authorized by email dated 06/28/2019)
18 Special Assistant U.S. Attorney
19 Attorneys for Defendant

20 **ORDER**

21 Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), attorney fees in the
22 amount of two thousand six hundred ninety-one dollars and thirty-six cents (\$2,691.36) be
23 awarded subject to the terms of the stipulation.

24 IT IS SO ORDERED.

25 Dated: July 2, 2019

26 
27 UNITED STATES MAGISTRATE JUDGE