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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Jesus Chavez Andrade,

Plaintiff,

v.

Andrew Saul, Commissioner of
Social Security,

Defendant.

Case No. 1:18-cv-00913-JDP

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

TO THE HONORABLE JEREMY D. PETERSON, MAGISTRATE JUDGE OF
THE UNITED STATES DISTRICT COURT:

The Parties through their undersigned counsel, subject to the Court's approval,
stipulate that Plaintiff be awarded attorney fees in the amount of SEVEN THOUSAND

1 FOUR HUNDRED AND FIFTY-FOUR DOLLARS AND 73/100, (\$7,454.73), under
2 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents
3 compensation for all 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
6 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
7 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
8 to honor the assignment will depend on whether the fees are subject to any offset
9 allowed under the United States Department of the Treasury's Offset Program. After
10 the order for EAJA fees is entered, the government will determine whether they are
11 subject to any offset.

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

17 This stipulation constitutes a compromise settlement of Plaintiff's request for
18 EAJA fees and does not constitute an admission of liability on the part of Defendant
19 under the EAJA. Payment SEVEN THOUSAND FOUR HUNDRED AND FIFTY-
20 FOUR DOLLARS AND 73/100, (\$7,454.73), in EAJA attorney fees shall constitute a
21 complete release from, and bar to, any and all claims that Plaintiff and Plaintiff's
22 attorney, Jonathan O. Peña, may have relating to EAJA attorney fees in connection with
23 this action.

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

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3 Dated: September 23, 2019

/s/ Jonathan O. Peña
JONATHAN O. PEÑA
Attorney for Plaintiff

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6 Dated: September 27, 2019

McGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

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10 By: * Marcelo N. Illarmo
11 Marcelo N. Illarmo
12 Special Assistant U.S. Attorney
13 Attorneys for Defendant
14 (*Permission to use electronic signature
15 obtained via email on September 27, 2019)
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1 IT IS SO ORDERED.

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3 Dated: October 9, 2019


UNITED STATES MAGISTRATE JUDGE

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6 No. 204

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