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

13 Monika Perez,

14 Plaintiff,

15 v.

16 ANDREW SAUL, Commissioner of  
17 Social Security,

18 Defendant.

Case No. 1:19-cv-01677-SKO

**STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY  
FEES AND EXPENSES PURSUANT  
TO THE EQUAL ACCESS TO  
JUSTICE ACT; ORDER**

(Doc. 23)

19 IT IS HEREBY STIPULATED by and between the parties through their  
20 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
21 attorney fees and expenses in the amount of FIVE THOUSAND FIVE HUNDRED  
22 EIGHTY- ONE DOLLARS AND 27/100, \$5,581.27, under the Equal Access to Justice  
23 Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal  
24 services rendered on behalf of Plaintiff by counsel in connection with this civil action,  
25 in accordance with 28 U.S.C. § 2412(d).

26 After the Court issues an order for EAJA fees to Plaintiff, the government will  
27 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to  
28

1 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability  
2 to honor the assignment will depend on whether the fees are subject to any offset  
3 allowed under the United States Department of the Treasury’s Offset Program. After  
4 the order for EAJA fees is entered, the government will determine whether they are  
5 subject to any offset.

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

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

17 This award is without prejudice to the rights of Counsel and/or Counsel’s firm  
18 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
19 savings clause provisions of the EAJA.

20 Respectfully submitted,

21  
22 Dated: November 16, 2020

*/s/ Jonathan O. Peña*

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JONATHAN O. PEÑA

Attorney for Plaintiff

23  
24  
25 Dated: November 16, 2020

McGREGOR W. SCOTT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

By: \* Ellinor R. Coder

Ellinor R. Coder

Special Assistant U.S. Attorney

Attorneys for Defendant

(\*Permission to use electronic signature  
obtained via email on November 16, 2020).

**ORDER**

Based upon the parties' above "Stipulation for the Award and Payment of Attorney Fees Under the Equal Access to Justice Act," erroneously docketed as a noticed motion (the "Stipulation") (Doc. 23), IT IS ORDERED that attorney's fees in the amount of FIVE THOUSAND FIVE HUNDRED EIGHTY- ONE DOLLARS AND 27/100 (\$5,581.27), as authorized under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: November 17, 2020

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE