

Jonathan O. Peña, Esq.
CA Bar ID No.: 278044
Peña & Bromberg, PLC
2440 Tulare St., Ste. 320
Fresno, CA 93721
Telephone: 559-439-9700
Facsimile: 559-439-9723
Email: info@jonathanpena.com
Attorney for Plaintiff, Sandra Singh

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

SANDRA SINGH,

Plaintiff,

v.

ANDREW SAUL, Commissioner of
Social Security,

Defendant.

Case No. 1:19-cv-01791-SKO

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

(Doc. 15)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of NINE THOUSAND SEVEN HUNDRED DOLLARS AND 00/100 (\$9,700.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

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

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: July 15, 2021

/s/ Jonathan O. Peña

JONATHAN O. PEÑA

Attorney for Plaintiff

23
24
25 Dated: July 15, 2021

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

1 Social Security Administration

2 By: /s/ Marcelo N. Illarmo

3 Marcelo N. Illarmo

4 Special Assistant U.S. Attorney

5 Attorneys for Defendant

6 (*Permission to use electronic signature
7 obtained via email on July 15, 2021).

8 **ORDER**

9
10 Based upon the parties' Amended Stipulation for the Award and Payment of
11 Equal Access to Justice Act Fees and Expenses (the "Stipulation") (Doc. 25),

12 **IT IS ORDERED** that fees and expenses in the amount of NINE THOUSAND
13 SEVEN HUNDRED DOLLARS AND 00/100 (\$9,700.00) as authorized by the Equal
14 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of
15 the Stipulation.
16

17
18
19 IT IS SO ORDERED.

20 Dated: July 16, 2021

/s/ Sheila K. Oberto
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28