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

10 VIRGINIA HERRERA,

11 Plaintiff,

12 v.

13 ANDREW SAUL, Commissioner of
14 Social Security,

15 Defendant.

Case No. 1:19-cv-01792-EPG

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

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
17 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount
18 of SIX THOUSAND ONE-HUNDRED SIXTY-EIGHT DOLLARS AND 03/100 (\$6,168.03) under
19 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation
20 for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
21 accordance with 28 U.S.C. § 2412(d).

22
23 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
24 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
25 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
26 whether the fees are subject to any offset allowed under the United States Department of the
27 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
28 whether they are subject to any offset.

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

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

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

13 Respectfully submitted,

14
15 Dated: June 1, 2021

/s/ Jonathan O. Peña

JONATHAN O. PEÑA
Attorney for Plaintiff

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18 Dated: June 1, 2021

PHILLIP A. TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

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21 By: ** s/*
Chantal Jenkins
Special Assistant U.S. Attorney
Attorneys for Defendant
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23 (*Permission to use electronic signature
24 obtained via email on June 1, 2021).
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1
2 **ORDER**

3 Based upon the parties' Stipulation for the Award and Payment of Attorney Fees and Expenses
4 Pursuant to the Equal Access to Justice Act (ECF No. 24), IT IS ORDERED that fees in the amount of
5 six thousand one hundred sixty-eight dollars and three cents (\$6,168.03) as authorized by 28 U.S.C. §
6 2412 be awarded subject to the terms of the Stipulation.

7 IT IS SO ORDERED.

8 Dated: June 3, 2021

9 /s/ Eric P. Groj
10 UNITED STATES MAGISTRATE JUDGE
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