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 6 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA

9 TERRI LYNN HELTNE,

10 Plaintiff

11 v.

12 KILOLO KIJAKAZI¹,

13 Acting Commissioner of Social Security,

14 Defendant

Case No. 1:20-CV-00964-SKO

STIPULATION AND
 ORDER FOR AWARD OF ATTORNEY'S
 FEES UNDER THE EQUAL ACCESS TO
 JUSTICE ACT (EAJA)

(Doc. 20)

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 17 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal
 18 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of ONE THOUSAND NINE
 19 HUNDRED AND FIFTY-SIX dollars and TWENTY-EIGHT cents (\$1,956.28). This amount
 20 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection
 21 with this civil action, in accordance with 28 U.S.C. sec. 2412(d).

22 After the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the
 23 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to
 24 Plaintiff's attorney. The government's ability to honor the assignment will depend on whether the
 25 fees and expenses are subject to an offset allowed under the United States Department of the
 26 Treasury's Offset Program pursuant to Astrue v. Ratcliff, 130 S.Ct. 2521 (2010). After the order of

27 1 Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d)
 28 of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as
 the defendant in this suit. No further action need be taken to continue this suit by reason of the last
 sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 EAJA fees and expenses is entered, the government will determine if they are subject to an offset. If
2 it is determined that Plaintiff's EAJA fees and expenses are not subject to an offset under Astrue v.
3 Ratcliff, 130 S.Ct. 2521 (2010) and the Department of Treasury's Offset Program, then the check for
4 EAJA fees and expenses shall be made payable to Jacqueline A. Forslund, based upon Plaintiff's
5 assignment of these amounts to Plaintiff's attorney. The parties agree that whether these checks are
6 made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's
7 attorney. This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
8 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
9 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar
10 to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney
11 fees in connection with this action.

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13 Respectfully submitted,

14 Date: September 7, 2021

JACQUELINE A. FORSLUND
Attorney at Law

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16 /s/Jacqueline A. Forslund
17 JACQUELINE A. FORSLUND
Attorney for Plaintiff

18 Date: September 7, 2021

19 PHILIP A. TALBERT
Acting United States Attorney
20 DEBORAH STACHEL
Regional Chief Counsel, Region IX
21 Social Security Administration

22 /s/Marcelo Illarmo
23 MARCELO ILLARMO
Special Assistant United States Attorney
24 *By email authorization
25 Attorney for Defendant
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ORDER

Based upon the parties' above Stipulation and Order for the Award of Attorney's Fees Under the Equal Access to Justice Act Fees and Expenses (EAJA) (the "Stipulation") (Doc. 20),

IT IS ORDERED that fees and expenses in the amount of ONE THOUSAND NINE HUNDRED AND FIFTY-SIX dollars and TWENTY-EIGHT cents (\$1,956.28) as authorized by 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: September 8, 2021

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE