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9 Attorney for Plaintiff, Anita Brown

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

12 ANITA BROWN,

13 Plaintiff,

14 v.

15 KILOLO KIJAKAZI, Acting  
16 Commissioner of Social Security,

17 Defendant.

Case No. 1:21-cv-00214-EPG

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

(ECF No. 29).

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
19 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount  
20 of NINE THOUSAND DOLLARS AND 00/100 (\$9,000.00) under the Equal Access to Justice Act  
21 (EAJA), 28 U.S.C. § 2412(d), and cost in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920.  
22 This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel  
23 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
25 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,  
26 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on  
27 whether the fees are subject to any offset allowed under the United States Department of the  
28 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine  
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 and made payable 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 Dated: November 17, 2022

15 /s/ Jonathan O. Peña  
16 JONATHAN O. PEÑA  
17 Attorney for Plaintiff

18 Dated: November 17, 2022

19 PHILLIP A. TALBERT  
20 United States Attorney  
21 MATHEW W. PILE  
22 Associate General Counsel  
23 Office of Program Litigation  
24 Social Security Administration

25 By: \* Oscar Gonzalez de Llano  
26 Oscar Gonzalez de Llano  
27 Special Assistant U.S. Attorney  
28 Attorneys for Defendant  
(\*Permission to use electronic signature  
obtained via email on November 17, 2022).

**ORDER**

Based upon the parties' stipulation (ECF No. 29), IT IS ORDERED that fees and expenses in the amount of \$9000.00 as authorized by the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and no costs as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: November 18, 2022

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE

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