

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF CALIFORNIA

3 Ellen Marie McCormick, )

Case No.: 1:23-cv-01522-SKO

4 Plaintiff. )

STIPULATION AND UNOPPOSED

5 vs. )

MOTION FOR THE AWARD AND

6 Martin O'Malley, )  
7 Commissioner of Social Security, )

PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT; ORDER

8 Defendant. )

(Doc. 25)

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11 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with  
12 the approval of the Court as provided below, that Plaintiff be awarded attorney fees under the Equal  
13 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of eleven thousand three hundred  
14 seventy-two dollars and 38/00 [\$11,372.38]. This amount represents compensation for all legal  
15 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
accordance with 28 U.S.C. §§ 1920, 2412(d).

16 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
17 matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*,  
18 130 S. Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether  
19 the fees are subject to any offset allowed under the United States Department of the Treasury's  
20 Offset Program. After the order for EAJA fees is entered, the government will determine whether  
21 they are subject to any offset. Fees shall be made payable to Plaintiff, but if the Department of the  
22 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the  
23 payment of fees, to be made directly to Eddy Pierre Pierre and/or Pierre Pierre Law, P.C., pursuant  
24 to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's  
counsel.

25 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
26 attorney fees and does not constitute an admission of liability on the part of Defendant under the  
27 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and  
28 all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees  
connection with this action.

1 Dated: September 23, 2024

Respectfully Submitted,  
Pierre Pierre Law, P.C.

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By: /s/ Nikhil Shreeham Agharkar  
Attorney for Plaintiff  
PHILLIP A. TALBERT  
United States Attorney

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By: /s/ Gabriel Bono\*  
Gabriel Bono  
Special Assistant United States Attorney  
Attorneys for Defendant

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**ORDER**

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Based upon the parties' Stipulation for Award of EAJA Fees Pursuant to the Equal Access to Justice Act 28 U.S.C. §2412(d) (the "Stipulation") (Doc. 25), IT IS ORDERED that EAJA fees are awarded in the amount of eleven thousand three hundred seventy-two dollars and 38/00 (\$11,372.38), subject to the terms of the Stipulation.

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IT IS SO ORDERED.

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Dated: **September 25, 2024**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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