

1 Melissa Newel (CA SB# 148563)
 2 NEWEL LAW
 3 2625 Alcatraz Ave., Suite 132
 4 Berkeley, CA 94705
 (510) 316-3827
 mnewel@newellawfirm.com

5 Attorney for Plaintiff
 6 POR THAO

7 PHILLIP A. TALBERT
 United States Attorney
 8 MATHEW W. PILE (WS SB# 32245)
 Associate General Counsel
 9 Office of Program Litigation, Office 7
 Social Security Administration
 10 JUSTIN L. MARTIN (MO SB# 62255)
 Special Assistant United States Attorney
 11 6401 Security Boulevard
 12 Baltimore, MD 21235
 (206) 615-3735
 13 Justin.L.Martin@ssa.gov

14 Attorneys for Defendant

15
 16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF CALIFORNIA

18
 19 POR THAO,
 20 Plaintiff,
 21 v.
 22 COMMISSIONER OF
 SOCIAL SECURITY,
 23 Defendant.

No. 1:24-cv-00968 (SKO)

**ORDER RE STIPULATION AND
 UNOPPOSED MOTION FOR AWARD
 AND PAYMENT OF ATTORNEYS FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT (28 U.S.C. §2412(d))**

(Doc. 15)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Por Thao (“Plaintiff”) be awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the amount of six hundred and eleven dollars and fifty-five cents (\$611.55). This represents compensation for 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 Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments made shall be delivered to Plaintiff’s counsel, by check or by electronic transfer.

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

///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

///

This award is without prejudice to the rights of Plaintiff’s counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

Respectfully submitted,

Dated: November 22, 2024

NEWEL LAW

By: Melissa Newel
Melissa Newel
Attorney for Plaintiff
POR THAO

Dated: November 22, 2024

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

By: Justin L. Martin*
JUSTIN L. MARTIN
(*Authorized by email dated 11/22/2024)
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of **six hundred and eleven dollars and fifty-five cents (\$611.55)** be awarded subject to the terms of the Stipulation and Unopposed Motion (Doc. 15).

IT IS SO ORDERED.

Dated: November 25, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE