

1 Ann M. Cerney, SBN: 068748  
2 CERNEY KREUZE & LOTT, LLP  
3 42 N. Sutter Street, Suite 400  
4 Stockton, CA 95202  
5 (209) 948-9384  
6 Attorney for Plaintiff  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 TONY DEVON NELSON,  
12 Plaintiff,  
13 v.  
14 CAROLYN W. COLVIN,  
15 Acting Commissioner of Social Security  
16 Defendant.  
17

No. 2:12-cv-00478-DAD

STIPULATION AND ORDER  
FOR THE AWARD OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT, 28 U.S.C. § 2412(d)

18  
19 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
20 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the  
21 EAJA in the amount of FOUR THOUSAND FIFTY dollars (\$4,050.00). This amount represents  
22 compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in  
23 connection with this civil action, in accordance with 28 U.S.C. § 2412.  
24

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government  
26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's  
27 attorney. Pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010), the ability to honor the  
28

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under  
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees  
3 and expenses is entered, the government will determine whether they are subject to any offset.

4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the  
5 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause  
6 the payment of fees, expenses and costs to be made directly to Ann M. Cerney, pursuant to the  
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.  
8

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
10 attorney fees and expenses, and does not constitute an admission of liability on the part of  
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
13 EAJA attorney fees and expenses in connection with this action.  
14

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

17 Dated: December 6, 2013

/s/ Ann M. Cerney

ANN M. CERNEY  
Attorney for Plaintiff

19  
20 BENJAMIN B. WAGNER  
United States Attorney  
21 DONNA CALVERT  
Acting Regional Chief Counsel, Region IX  
22 Social Security Administration  
23

24 Date: December 6, 2013

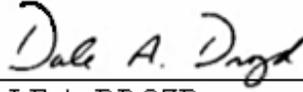
/s/ Sundeep Patel

SUNDEEP PATEL  
Special Assistant U. S. Attorney  
25 (As authorized via email on 12/06/13)  
26 Attorneys for Defendant  
27  
28

**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: December 12, 2013



---

DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

Ddad1\orders.soc sec\nelson0478.attyfees.eaja.stip.docx

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