1	ANN M. CERNEY, SBN: 068748	
2	Cerney Kreuze & Lott, LLP	
3	42 N. Sutter Street, Suite 400 Stockton, California 95202	
4	Telephone: (209) 948-9384 Facsimile: (209) 948-0706	
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10	BECKY JANOVICH,	No. 2:13-cv-00096 DAD
11	Plaintiff,	
12		STIPULATION AND ORDER
13	VS.	FOR THE AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO
14	CAROLYN W. COLVIN, Acting Commissioner of Social Security,	JUSTICE ACT, 28 U.S.C. § 2412(d)
15		
16 17	Defendant	
17		
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 FIVE THOUSAND EIGHT HUNDRED SEVENTY-THREE	
22	(\$5,873.00). This amount represents compensation for all legal services rendered on behalf of	
23	Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §	
24	2412.	
25	After the Court issues an order for EAJA fees and expenses to Plaintiff, the government	
26		
27	will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's	
28	attorney. Pursuant to <u>Astrue v. Ratliff</u> , 130 S.Ct.	2521 (2010), the ability to honor the

1

2

assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Ann M. Cerney, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the 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.

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, subject to the offset provisions of the EAJA.

Respectfully submitted,

Dated: November 17, 2014

<u>/s/ Ann M. Cerney</u> ANN M. CERNEY Attorney for Plaintiff

BENJAMIN B. WAGNER United States Attorney DONNA L. CALVERT Regional Chief Counsel

Date: November 17, 2014

/s/ Francesco Paulo Benavides (As authorized via email on 11/17/14) Special Assistant United States Attorney

1	ORDER
2	Pursuant to the parties' stipulation, IT IS SO ORDERED.
3	
4	Dated: November 18, 2014
5	Dead
6	Dale A. Dropt DALE A. DROZD
7	UNITED STATES MAGISTRATE JUDGE
8	
9	Ddad1\orders.soc sec janovich0096.stip.eaja.ord.docx
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	