

1 JESSE S. KAPLAN CSB# 103726
2 5441 Fair Oaks Bl. Ste. C-1
3 Carmichael, CA 95608
4 (916) 488-3030
5 (916) 489-9297 fax

6 Attorney for Plaintiff
7 MEE CHA

8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 -00000-

11 MEE CHA,

12 Plaintiff,

13 vs.

14 Carolyn Colvin,

15 ACTING COMMISSIONER OF SOCIAL

16 SECURITY,

17 Defendant
18

) Case No.: 2:13-CV-00179-CKD
)

) STIPULATION AND ORDER
) APPROVING SETTLEMENT OF
) ATTORNEY FEES UNDER THE EQUAL
) ACCESS TO JUSTICE ACT
) [28 U.S.C. §2412(d)]
)
)
)

19
20 THE PARTIES STIPULATE through their undersigned counsel
21 that the Court's order of April 22, 2014, granting plaintiff's
22 motion for attorney fees under the Equal Access to Justice Act
23 may be withdrawn and this stipulation and order substituted
24 therefor.

25 THE PARTIES STIPULATE through the undersigned,
26 subject to the approval of the Court, that plaintiff be awarded
27

28 STIPULATION AND ORDER APPROVING SETTLEMENT OF ATTORNEY FEES UNDER THE
EQUAL ACCESS TO JUSTICE ACT

1 attorney fees in the amount of Four Thousand Six Hundred Dollars
2 (\$4,600.00) under the *Equal Access to Justice Act*, 28 U.S.C.
3 §2412(d) and that there will be no award of costs. This will
4 represent compensation for all legal services rendered by
5 counsel for plaintiff in this civil action and in accordance
6 with that statute.

8 Upon the Court's order, defendant will consider
9 the assignment of those *EAJA* fees pursuant to *Astrue v. Ratliff*,
10 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets
11 allowed under the United States Department of Treasury's Offset
12 Program. Fees shall be made payable to plaintiff, but if the
13 Treasury Department determines plaintiff owes no federal debt,
14 then the government shall pay the fees directly to Jesse S.
15 Kaplan based on an assignment executed by plaintiff and will
16 deliver the payment to said counsel.

19 This stipulation constitutes a compromise
20 settlement of plaintiff's request for *EAJA* fees and not an
21 admission of liability of defendant under the *EAJA*. Payment of
22 this agreed amount shall constitute a complete release and bar
23 of plaintiff and her counsel regarding *EAJA* fees relating to
24 this action. This award is without prejudice to plaintiff's
25 counsel's right to fees under 42 U.S.C. §406(b), subject to the
26 savings clause provisions of the *EAJA*.

28 STIPULATION AND ORDER APPROVING SETTLEMENT OF ATTORNEY FEES UNDER THE

EQUAL ACCESS TO JUSTICE ACT

1 Dated: April 29, 2014

/s/ Jesse S. Kaplan

2 JESSE S. KAPLAN

3 Attorney for Plaintiff

4
5
6 Dated: April 29, 2014

/s/ per email authorization

7 JEFFREY CHEN

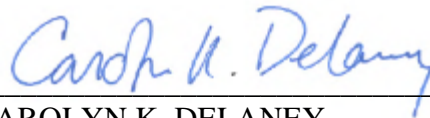
8 Special Assistant U.S. Attorney

9 Attorney for Defendant

10
11
12 **ORDER**

13 GOOD CAUSE APPEARING from the foregoing stipulation, the
14 Court's Order of April 22, 2014, concerning *EAJA* fees is
15 withdrawn, and IT IS ORDERED that defendant pay plaintiff's
16 attorney fees pursuant to the *EAJA* in accordance with this
17 stipulation.
18

19 Dated: May 2, 2014

20 

21 CAROLYN K. DELANEY
22 UNITED STATES MAGISTRATE JUDGE

23
24
25
26
27
28 STIPULATION AND ORDER APPROVING SETTLEMENT OF ATTORNEY FEES UNDER THE

EQUAL ACCESS TO JUSTICE ACT