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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **SACRAMENTO DIVISION**

14
15 PETER VLAD POWER,) No. 2:13-cv-00572-DAD
16 Plaintiff,)
17) **STIPULATION AND ORDER FOR**
18 v.) **THE AWARD AND PAYMENT OF**
19) **ATTORNEY FEES AND**
20) **EXPENSES PURSUANT TO THE**
21) **EQUAL ACCESS TO JUSTICE**
22) **ACT, 28 U.S.C. § 2412(d)**
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security,)
23 Defendant.)
24)
25)
26)

27 On November 17, 2014, Plaintiff, through counsel, filed a motion for
28 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)
(Doc. 23). The parties, though counsel, now enter into a stipulated agreement
regarding the requested EAJA fees.

IT IS HEREBY STIPULATED by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Peter Vlad Power

1 be awarded attorney fees in the amount of Three Thousand Seven Hundred and
2 Fifty dollars (\$3,750.00) under the Equal Access to Justice Act (EAJA), 28
3 U.S.C. § 2412(d). This amount represents compensation for all legal services
4 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
5 accordance with 28 U.S.C. § 2412(d).

6 After the Court issues an order for EAJA fees to Peter Vlad Power, the
7 government will consider the matter of Peter Vlad Power's assignment of EAJA
8 fees to Jesse S. Kaplan. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130
9 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
10 depend on whether the fees are subject to any offset allowed under the United
11 States Department of the Treasury's Offset Program. After the order for EAJA
12 fees is entered, the government will determine whether they are subject to any
13 offset.

14 Fees shall be made payable to Peter Vlad Power, but if the Department of
15 the Treasury determines that Peter Vlad Power does not owe a federal debt, then
16 the government shall cause the payment of fees, expenses and costs to be made
17 directly to Jesse S. Kaplan, pursuant to the assignment executed by Jesse S.
18 Kaplan. Any payments made shall be delivered to Jesse S. Kaplan.

19 This stipulation constitutes a compromise settlement of Peter Vlad Power's
20 request for EAJA attorney fees, and does not constitute an admission of liability
21 on the part of Defendant under the EAJA or otherwise. Payment of the agreed
22 amount shall constitute a complete release from, and bar to, any and all claims
23 that Peter Vlad Power and/or Jesse S. Kaplan may have relating to EAJA attorney
24 fees in connection with this action.

25 This award is without prejudice to the rights of Jesse S. Kaplan to seek
26 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings
27 clause provisions of the EAJA.

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Respectfully submitted,

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Dated: December 15, 2014

By: /s/ Jesse S. Kaplan
JESSE S. KAPLAN
** By email authorization on 12/15/14*
Attorney for Plaintiff

Dated: December 15, 2014

BENJAMIN B. WAGNER
United States Attorney

/s/ Cynthia B. De Nardi
CYNTHIA B. DE NARDI
Special Assistant United States Attorney

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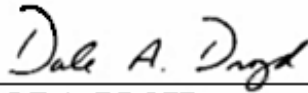
ORDER

Pursuant to the parties' stipulation, IT IS ORDERED that:

1. Peter Vlad Power is awarded attorney fees in the amount of \$3,750.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation; and

2. Plaintiff's November 17, 2014 motion for attorney's fees (Dkt No. 23) is denied as having been rendered moot as a result of the parties' stipulation.

Dated: December 16, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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