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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

LETICIA GARCIA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

) No. 2:13-cv-01075-AC

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

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff, Leticia Garcia, be awarded attorney fees and expenses in the amount of seven thousand eight hundred dollars (\$7,800) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 1920; 2412(d).

After the Court issues an order for EAJA fees to Leticia Garcia, the government will consider the matter of Leticia Garcia's assignment of EAJA fees to John V. Johnson. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will

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

4 Fees shall be made payable to Leticia Garcia, but if the Department of the Treasury
5 determines that Leticia Garcia does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to John V. Johnson, pursuant to the
7 assignment executed by Leticia Garcia. Any payments made shall be delivered to John V.
8 Johnson.

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

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1 This award is without prejudice to the rights of John V. Johnson and/or the Law Office
2 of John V. Johnson to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject
3 to the savings clause provisions of the EAJA.
4

5 Respectfully submitted,

6 Dated: Dec. 11, 2014

LAW OFFICES OF JOHN V. JOHNSON

7
8 By: /s/ Jeffrey Chen for John V. Johnson*
9 JOHN V. JOHNSON
10 * By email authorization on Dec. 8, 2014
11 Attorneys for Plaintiff

12 Dated: Dec. 11, 2014

BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Regional Chief Counsel, Region IX
Social Security Administration


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15 By: /s/ Jeffrey Chen
16 JEFFREY CHEN
17 Special Assistant United States Attorney
18 Attorneys for Defendant

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20 ORDER

21 The court will approve the parties' stipulation as to plaintiff's receipt of Equal Access to
22 Justice Act ("EAJA") fees under 28 U.S.C. § 2412(d). In light of the parties' superseding
23 stipulation the court will also vacate plaintiff's November 21, 2014, petition for attorney's fees.
24 ECF No. 27.

25 APPROVED AND SO ORDERED.

26 DATED: December 11, 2014

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ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE