1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 PATRICIA J. WALKER, No. 2:13-cv-01843-AC 12 Plaintiff. 13 STIPULATION AND ORDER APPROVING v. SETTLEMENT OF ATTORNEYS FEES AND 14 CAROLYN W. COLVIN, Acting COSTS Commissioner of Social Security, 15 Defendant. 16 17 18 On April 12, 2015, plaintiff filed a motion for attorney fees pursuant to the Equal Access 19 to Justice Act ("EAJA"). ECF No. 22. On May 15, 2015, the parties agreed on the following: 20 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned 21 counsel, that Plaintiff's previously filed Motion for Attorney's Fees and Expenses Under the 22 Equal Access to Justice Act (Docket No. 22) is hereby withdrawn. 23 IT IS HEREBY STIPULATED by and between the parties, through their undersigned 24 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees and expenses in 25 the amount of SIX THOUSAND ONE HUNRED DOLLARS AND ZERO CENTS (\$6,100.00) 26 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of 27 ZERO DOLLARS (\$0.00) under 28 U.S.C. § 1920. This amount represents compensation for all 28 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in 1

accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to <u>Astrue v. Ratliff</u>, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees 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 Jared T. Walker, 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 or otherwise. 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, including the Law Office of Jared T. Walker, P.C., 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(b), subject to the savings clause provisions of the EAJA.

21 Dated: May 15, 2015

/s/ Lynn M. Harada for Jared T. Walker*
(*as authorized via email on 5/14/15)
JARED T. WALKER
Attorney for Plaintiff

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1		JAMIN B. WAGNER
2)	ed States Attorney JNA L. CALVERT
3	Regi	onal Chief Counsel, Region IX al Security Administration
4	By: /s/ 1	ynn M. Harada
5		IN M. HARADA
6	Spec	ial Assistant U.S. Attorney
7	Atto	rneys for Defendant
8	PURSUANT TO THE STIPULATION, IT IS HEREBY ORDERED that:	
9	1. Plaintiff shall be awarded attorney fees in the amount of SIX THOUSAND ONE	
10	HUNDRED DOLLARS AND ZERO CENTS (\$6,100.00), as authorized by 28 U.S.C. § 2412(d)	
11	and costs in the amount of ZERO DOLLARS (\$0.00), pursuant to 28 U.S.C. § 1920.	
12	2. Defendant shall determine whether plaintiff's EAJA attorneys' fees are subject to	
13	any offset permitted under the United States Department of the Treasury's Offset Program and, if	
14	the fees are not subject to an offset, shall honor plaintiff's assignment of EAJA fees and shall	
15	cause payment of the fees to be made directly to plaintiff's counsel pursuant to the assignment	
16	executed by plaintiff.	
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18	Dated: May 18, 2015	LISON CLAIRE
19		NITED STATES MAGISTRATE JUDGE
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