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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
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14 VINCENT LEWIS,
15 Plaintiff,
16 v.
17 NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
18 Defendant.¹
19

No. 2:14-cv-01227-DB

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

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
21 counsel, subject to the approval of the Court, that the previously-filed motion for attorney fees
22 shall be withdrawn, and that Plaintiff shall be awarded attorney fees and expenses under the
23 EAJA in the amount of FIVE THOUSAND dollars (\$5,000.00). This amount represents
24 compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in
25 connection with this civil action, in accordance with 28 U.S.C. § 2412.

26 _____
27 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d)
28 of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Carolyn W.
Colvin as the defendant in this suit. No further action need be taken to continue this suit by
reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
2 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
3 attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment
4 will depend on whether the fees, expenses are subject to any offset allowed under the United
5 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses
6 is entered, the government will determine whether they are subject to any offset.

7 Fees and expenses shall be made payable to Plaintiff, but if the Department of the
8 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
9 the payment of fees to be made directly to Bess Brewer, pursuant to the assignment executed by
10 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees and expenses, and does not constitute an admission of liability on the part of
13 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
14 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
15 EAJA attorney fees and expenses in connection with this action.

16 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
17 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

18 Respectfully submitted June 14, 2017.

19
20 DATED: June 14, 2017

s/ Bess Brewer
BESS BREWER
(as authorized by email)

21
22 Attorney for Plaintiff

23 PHILLIP A. TALBERT
24 United States Attorney

25 DATE: June 14, 2017

By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

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27 Attorneys for Defendant
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ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.²

Dated: June 15, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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² Pursuant to the parties' stipulation, plaintiff's June 7, 2017 motion for EAJA fees (ECF No. 23) is withdrawn.