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 Attorney for Plaintiff

5 **IN THE UNITED STATES DISTRICT COURT**
 6 **EASTERN DISTRICT OF CALIFORNIA**

7
 8 **BRAD PANNELL**

Case No. 2:14-CV-1514 KJN

9
 10 **Plaintiff,**

**STIPULATION AND ORDER APPROVING
 SETTLEMENT OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT**

11
 12 **v.**

13 **CAROLYN W. COLVIN**
 14 **ACTING COMMISSIONER OF SSA,**
Defendant.

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 17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 18 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal
 19 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND NINE
 20 HUNDRED TWENTY TWO DOLLARS AND THIRTY NINE CENTS (**\$4,922.39**). This amount
 21 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 22 connection with this civil action, in accordance with 28 U.S.C. § 2412(d). After the Court issues an
 23 order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff’s
 24 assignment of EAJA fees and expenses to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 130
 25 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees
 26 and expenses are subject to any offset allowed under the United States Department of the Treasury’s
 27 Offset Program. After the order for EAJA fees and expenses is entered, the government will
 28 determine whether they are subject to any offset.

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

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

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

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Dated: June 22, 2015

/s/Bess M. Brewer
BESS M. BREWER
Attorney at Law
Attorney for Plaintiff

Dated: June 22, 2015

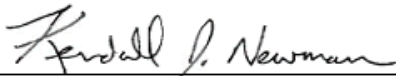
Benjamin B. Wagner
United States Attorney
/s/ Ellinor Coder
ELLINOR CODER
Special Assistant United States Attorney
/s/ Amanda Schapel, Of Counsel
AMANDA SCHAPEL
Attorneys for Defendant

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney Fees in the amount of FOUR THOUSAND NINE HUNDRED TWENTY TWO DOLLARS AND THIRTY NINE CENTS (**\$4,922.39**), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: June 24, 2015



KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE