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7 Attorney for Plaintiff

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

9 ERIC P. NEUMANN,)	NO.2:14-cv-02190 KJM-CMK
)	
10 Plaintiff,)	
)	STIPULATION AND ORDER
11 v.)	FOR THE AWARD OF ATTORNEY FEES
)	PURSUANT TO THE EQUAL ACCESS TO
12 CAROLYN W. COLVIN,)	JUSTICE ACT [28 U.S.C. § 2412(d)]
13 Acting Commissioner of)	
14 Social Security,)	
)	
15 Defendant.)	

16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 17 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 18 EAJA in the amount of SEVEN THOUSAND FIVE HUNDRED (\$7,500.00). This amount
 19 represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel
 20 in connection with this civil action, in accordance with 28 U.S.C. § 2412.

21
 22 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 23 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
 24 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the
 25 assignment will depend on whether the fees and expenses are subject to any offset allowed under
 26 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
 27

1 and expenses is entered, the government will determine whether they are subject to any offset.
2 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
3 determines that Plaintiff does not owe a federal debt, then the government shall cause the
4 payment of fees, expenses and costs to be made directly to Mark H. Lipton, pursuant to the
5 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

13
14
15 Dated: October 26, 2016

Respectfully submitted,

16 /s/ Mark H. Lipton
17 MARK H. LIPTON
18 Attorney for Plaintiff

19 PHILLIP A. TALBERT
20 Acting United States Attorney
21 DEBORAH STACHEL
22 Regional Chief Counsel, Region IX
23 Social Security Administration

24
25
26 Dated: October 26, 2016

27 /s/ Marla Letellier
28 (As authorized via email on 10/26/16)
Special Assistant United States Attorney

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ORDER

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Pursuant to the Stipulation it is so ordered.

Dated: November 3, 2016


UNITED STATES DISTRICT JUDGE