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10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13
14 SACRAMENTO

16 Shane Garrett,
17 Plaintiff,
18 v.
19 Nancy A. Berryhill,
Acting Commissioner of Social Security,
20
21 Defendant.

) No. 14-cv-02774-DB

) **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)**

22
23
24 IT IS HEREBY STIPULATED by and between the parties through their
25 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
26 attorney fees and expenses in the amount of SEVEN THOUSAND dollars (\$7,000.00)
27 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount
28

1 represents compensation for all legal services rendered on behalf of Plaintiff by counsel
2 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will
4 consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant
5 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the
6 ability to honor the assignment will depend on whether the fees are subject to any offset
7 allowed under the United States Department of the Treasury's Offset Program. After
8 the order for EAJA fees is entered, the government will determine whether they are
9 subject to any offset.

10 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
11 determines that Plaintiff does not owe a federal debt, then the government shall cause
12 the payment of fees, expenses and costs to be made directly to counsel, pursuant to the
13 assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

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

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21 Respectfully submitted April 5, 2017

22 PHILLIP A. TALBERT
23 United States Attorney
24 DEBORAH STACHEL
25 Acting Regional Chief Counsel, Region IX
26 Social Security Administration
27 By: /s/ Armand Roth
28 Special Assistant United States Attorney

LEGAL SERVICES OF NORTHERN CALIFORNIA
By: /s/ Wade Askew
Staff Attorney
Attorney for Plaintiff

ORDER

Pursuant to the parties' stipulation (ECF No. 25) IT IS SO ORDERED.

Dated: April 10, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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