

1 Geri N. Kahn (State Bar Number 148536)
geri@gerinkahn.com
2 Law Office of Geri N. Kahn
465 California Street, Suite 609
3 San Francisco, CA 94104
Tel. (415) 397-5446
4 Fax (800) 375-5956

5 Attorney for Alexandre Do Mack
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 Alexandre Do Mack,

12 Plaintiff,

13 vs.

14 Carolyn W. Colvin, Acting Commissioner of Social
Security,

15 Defendant.
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No. 2:14-cv-02852 - DB

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

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
18 subject to the approval of the Court, that Plaintiff's counsel, as Plaintiff's assignee, be awarded attorney
19 fees under the EAJA in the amount of FIVE THOUSAND DOLLARS (\$5,000). This amount represents
20 compensation for all legal services and costs rendered on behalf of Plaintiff by counsel in connection
21 with this civil action, in accordance with 28 U.S.C. §2412(d).

22 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees,
23 and does not constitute an admission of liability on part of the Defendant under the EAJA. Payment of
24 the aforementioned sum under the EAJA shall constitute a complete release from and bar to any and all
25 claims, rights, causes of action, liens or subrogated interests relating to attorney's fees and costs incurred
26 in this action under EAJA.

27 After the Court issues an order for EAJA fees to Alexandre Mack, the government will consider
28 the matter of Alexandre Mack's assignment of EAJA fees to Geri Kahn. Pursuant to *Astrue v. Ratliff*,

1 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether the fees are
2 subject to any offset allowed under the United States Department of the Treasury's Offset Program.
3 After the order for EAJA fees is entered, the government will determine whether they are subject to any
4 offset.

5 Fees shall be made payable to Alexandre Mack, but if the Department of the Treasury determines
6 that Alexandre Mack does not owe a federal debt, then the government shall cause the payment of fees,
7 expenses and costs to be made directly to Geri Kahn, pursuant to the assignment executed by Alexandre
8 Mack. Any payments made shall be delivered to Geri Kahn. This award is without prejudice to the
9 rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to
10 the offset provisions of the EAJA.

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12 Respectfully submitted,

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14 Dated: June 9, 2017

/s/ Geri N. Kahn
GERI N. KAHN
Attorney for Plaintiff

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18 Dated: June 9, 2017

/s/ Donna W. Anderson
DONNA W. ANDERSON
Special Assistant United States Attorney
Attorney for Defendant

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21 **ORDER**

22 Dated: June 20, 2017

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25 DEBORAH BARNES
26 UNITED STATES MAGISTRATE JUDGE

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