1 JESSE S. KAPLAN CSB# 103726 5441 Fair Oaks Bl. Ste. C-1 2 Carmichael, CA 95608 (916) 488-3030 3 (916) 489-9297 fax 4 **Attorney for Plaintiff** 5 TAD OSBORNE VINING 6 7 8 9 UNITED STATES DISTRICT COURT 10 FOR THE EASTERN DISTRICT OF CALIFORNIA 11 -o0O0o-12 13 14 TAD OSBORNE VINING, No. 2:14-cv-02977-DB 15 Plaintiff, 16 STIPULATION AND **ORDER** v. 17 APPROVING SETTLEMENT 18 Nancy Berryhill, OF ATTORNEY FEES UNDER ACTING COMMISSIONER OF SOCIAL) THE EQUAL ACCESS TO 19 JUSTICE ACT SECURITY, [28 U.S.C. §2412(d)] 20 Defendant. 21 22 THE PARTIES STIPULATE through the undersigned, subject to the approval of the 23 24 Court, that plaintiff be awarded attorney fees in the amount of Two Thousand eight hundred 25 fifty-five Dollars and twenty-three cents(\$2,855.23) under the Equal Access to Justice Act, 28 26 U.S.C. §2412(d) and that there will be no award of costs. This will represent compensation for 27 28

all legal services rendered by counsel for plaintiff in this civil action and in accordance with that statute.

Upon the Court's order, defendant will consider the assignment of those *EAJA* fees pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed under the United States Department of Treasury's Offset Program. Fees shall be made payable to plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by plaintiff and will deliver the payment to said counsel.

This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.

Dated:	June 5, 2017	/s/ Jesse S. Kaplan
Daten:	June 3. 2017	/s/ Jesse S. Kapian

JESSE S. KAPLAN Attorney for Plaintiff

Dated: June 5, 2017 /s/ per email authorization

AMANDA SCHAPEL Special Assistant U.S. Attorney Attorney for Defendant

## **ORDER** Pursuant to the parties' stipulation, IT IS SO ORDERED. Dated: June 8, 2017 UNITED STATES MAGISTRATE JUDGE DLB:6 DB\orders\orders.soc sec\vining2977.stip.eaja.ord