

1 SHELLIE LOTT, SBN: 246202
 2 Cerney Kreuze & Lott, LLP
 3 42 N. Sutter Street, Suite 400
 4 Stockton, California 95202
 Telephone: (209) 948-9384
 Facsimile: (209) 948-0706

5 Linda Ziskin, SBN: 196293
 6 Ziskin Law Office
 7 PO Box 753833
 8 Las Vegas, NV 89136
 Telephone: (503) 889-0472
 Facsimile: (888) 889-5776

9 Attorneys for Plaintiff,

11 IN THE UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO BRANCH

14 DAVID T. MCMANUS,

15 Plaintiff,

16 vs.

17 CAROLYN W. COLVIN,
 18 Acting Commissioner of Social Security,

19 Defendant

Case No.: 2:15-cv-00127-CMK

20
 21 STIPULATION AND ORDER
 22 FOR THE AWARD OF ATTORNEY FEES
 23 PURSUANT TO THE EQUAL ACCESS TO
 24 JUSTICE ACT, 28 U.S.C. § 2412(d)

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

27 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 28 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's

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

1 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
2 assignment will depend on whether the fees and expenses are subject to any offset allowed under
3 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
4 and expenses is entered, the government will determine whether they are subject to any offset.
5 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause the
7 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
9
10

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

17 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
18 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
19

20 Respectfully submitted,

21 Dated: December 29, 2016

/s/ Shellie Lott

SHELLIE LOTT
Attorney for Plaintiff

22
23 PHILLIP A. TALBERT
United States Attorney
24 DEBORAH LEE STACHEL
Regional Chief Counsel
25

26 Date: December 29, 2016

/s/Daniel Talbert

(As authorized via email on 11/28/16)
Special Assistant United States Attorney
27
28

ORDER

Pursuant to the stipulation, it is so ordered.

Dated: January 10, 2017


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28