

1 HADLEY & FRAULOB
 2 A Professional Law Corporation
 3 230 Fifth Street
 4 Marysville, CA 95901
 5 (530) 743-4458
 6 FAX (530) 743-5008

7 JOSEPH C. FRAULOB – CA State Bar #194355
 8 Attorney for Plaintiff

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SCOTT C. TIBBET

12 Plaintiff,

13 v.

14 CAROLYN W. COLVIN,
 15 COMMISSIONER OF SOCIAL SECURITY,

16 Defendant.

No. 2:15-cv-00266-AC (TEMP)

**STIPULATION AND ORDER FOR
 AWARD OF EAJA FEES**

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 18 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and
 19 with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under
 20 the Equal Access To Justice Act (EAJA) 28 U.S.C. 2412(d), in the amount of five thousand, five
 21 hundred and thirty-seven dollars (\$5537.00). This amount represents compensation for legal
 22 services rendered on behalf of Plaintiff by his counsel in connection with this civil action, in
 23 accordance with 28 U.S.C. 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 25 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to Astrue v.
 26 Ratliff, 130 S. Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on
 27 whether the fees are subject to any offset allowed under the United States Department of the

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1 Treasury's Offset Program. After the order to EAJA fees is entered, the government will
2 determine if it is subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
4 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
5 be made directly to Plaintiff's counsel Joseph C. Fraulob, pursuant to the written assignment
6 executed by Plaintiff. Any payments shall be delivered to Plaintiff's counsel Joseph C. Fraulob.

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

12 DATE: March 18, 2016 By: /s/ Joseph Clayton Fraulob
13 JOSEPH CLAYTON FRAULOB
14 Attorney for Plaintiff


15 DATE: March 18, 2016 BENJAMIN B. WAGNER
16 United States Attorney
17 DEBORAH LEE STACHEL
18 Acting Regional Chief Counsel, Region IX
19 Social Security Administration

20 By: /s/ Sharon Lahey
21 (As authorized via email)
22 SHARON LAHEY
23 Special Assistant U.S. Attorney
24 Attorneys for Defendant
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ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

DATED: March 23, 2016.



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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