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 Attorneys for Plaintiff

4 **IN THE UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA

7 **JENNIFER L. JOHNS**)

Case No. 2:15-cv-0320 AC

9)
 10 **Plaintiff,**)

11 **v.**)

**STIPULATION AND ORDER APPROVING
 SETTLEMENT OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT**

12)
 13 **CAROLYN W. COLVIN**)
ACTING COMMISSIONER OF SSA,)
 14 **Defendant.**)

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 16 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 17 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal
 18 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND ONE
 19 HUNDRED THIRTY DOLLARS AND SIXTY CENTS (**\$5,130.60**). This amount represents
 20 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this
 21 civil action, in accordance with 28 U.S.C. § 2412(d). After the Court issues an order for EAJA fees
 22 and expenses to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA
 23 fees and expenses to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14,
 24 2010), the ability to honor the assignment will depend on whether the fees and expenses are subject
 25 to any offset allowed under the United States Department of the Treasury’s Offset Program.

26 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
 27 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
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1 fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed
2 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

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12 Dated: January 5, 2017

/s/Bess M. Brewer
BESS M. BREWER
Attorney at Law
Attorney for Plaintiff

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16 Dated: January 5, 2017

Phillip A. Talbert
Acting United States Attorney

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/s/ Marla Letellier
MARLA LETELLIER
Special Assistant United States Attorney

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Attorneys for Defendant

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ORDER

22 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees
23 in the amount of FIVE THOUSAND ONE HUNDRED THIRTY DOLLARS AND SIXTY CENTS
24 (\$5,130.60) , as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced
25 Stipulation.

26 DATED: January 9, 2017


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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