

1 BESS M. BREWER #100364
 2 LAW OFFICE OF BESS M. BREWER
 3 P.O. Box 5088
 4 Sacramento, CA 95817
 5 Telephone (916) 385-7517
 6 bess.m.brewer@gmail.com
 7 Attorney for Plaintiff

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 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 **SINISHA V. KANG**) **No. 15-cv-0335 DB**

12) **STIPULATION AND ORDER APPROVING**
 13) **SETTLEMENT OF ATTORNEY FEES**
 14) **PURSUANT TO THE EQUAL ACCESS TO**
 15) **JUSTICE ACT**

16 **Plaintiff,**)

17 **v.**)

18 **COMMISSIONER OF SSA,**)
 19 **Defendant.**)

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 21 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal
 22 access to Justice Act (EAJA), in the amount of **FIVE THOUSAND DOLLARS AND ZERO**
 23 **CENTS** (\$5000.00). This amount represents compensation for all legal services rendered on
 24 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §
 25 2412 (d). After the Court issues an order for EAJA fees and expenses to Plaintiff, the
 26 government will consider the matter of Plaintiff’s assignment of EAJA fees and expenses to
 27
 28

1 Plaintiff's attorney. Pursuant to *Astrue v. Ratcliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the
2 ability to honor the assignment will depend on whether the fees and expenses are subject to any
3 offset allowed under the United States Department of the Treasury's offset Program.
4

5 Fees and expenses shall be made payable to Plaintiff but if the Department of the
6 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
7 the payment of fees, expenses and costs to be made direct to Bess M. Brewer, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be deliver to Plaintiff's counsel.
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10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
11 attorney fees and expenses, and does not constitute an admission of liability on the part of
12 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
13 from, and bar to any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
14 EAJA attorney fees and expenses in connection with this action.
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16 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
17 Act attorney fees under 42 U.S.C. § 406, subject to the offset provision of the EAJA.
18

19 Dated April 11, 2017 /s/ Bess M. Brewer
20 BESS M. BREWER
21 Attorney at Law
22 Attorney for Plaintiff

23 Dated April 11, 2017 Phillip A. Talbert
24 United States Attorney

25 /s/Jean M. Turk
26 JEAN M. TURK
27 Special Assistant United States Attorney
28 Attorneys for Defendant

ORDER

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

DATED: April 14, 2017

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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