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11 Attorneys for Defendant¹

12 UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA
 14 SACRAMENTO DIVISION

15 KAREN HUNT,
 16 Plaintiff,
 17 v.
 18 NANCY A. BERRYHILL, Acting
 19 Commissioner of Social Security,
 20 Defendant.

No. 2:15-cv-0509-DB

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

21 The Parties through their undersigned counsel, subject to the Court’s approval,
 22 stipulate that Plaintiff be awarded attorney fees under the Equal Access to Justice Act
 23 (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND DOLLARS
 24

25 _____
 26 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule
 27 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting
 28 Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to
 continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C.
 § 405(g).

1 (\$5,000.00). This amount represents compensation for all legal services rendered on
2 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
3 U.S.C. § 2412(d).

4 After the Court issues an order for EAJA fees to Plaintiff, the government will
5 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
6 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
7 to honor the assignment will depend on whether the fees are subject to any offset
8 allowed under the United States Department of the Treasury's Offset Program. After
9 the order for EAJA fees is entered, the government will determine whether they are
10 subject to any offset.

11 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
12 determines that Plaintiff does not owe a federal debt, then the government shall cause
13 the payment of fees, expenses and costs to be made directly to counsel, pursuant to the
14 assignment executed by Plaintiff. Any payments made shall be delivered to counsel.
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16 This stipulation constitutes a compromise settlement of Plaintiff's request for
17 EAJA fees, and does not constitute an admission of liability on the part of Defendant
18 under the EAJA. Payment of FIVE THOUSAND DOLLARS (\$5,000.00) in EAJA
19 attorney fees shall constitute a complete release from, and bar to, any and all claims that
20 Plaintiff Karen Hunt and Plaintiff's attorney may have relating to EAJA attorney fees in
21 connection with this action.

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1 This award is without prejudice to the rights of Plaintiff's attorney to seek Social
2 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
3 provision of the EAJA.

4 Respectfully submitted,

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6 Dated: April 12, 2017

/s/ Wade Askew*

7 WADE ASKEW

8 Attorney for Plaintiff Karen Hunt

(*By email authorization on 04/11/17)

9
10 Dated: April 12, 2017

11 PHILLIP A. TALBERT

12 United States Attorney

13 DEBORAH LEE STACHEL

14 Regional Chief Counsel, Region IX

15 Social Security Administration

16 By: /s/ Donna W. Anderson

17 DONNA W. ANDERSON

18 Special Assistant U.S. Attorney

19 Attorneys for Defendant

20 **ORDER**

21 Pursuant to the parties' stipulation, (ECF No. 24), IT IS SO ORDERED.

22 DATED: April 12, 2017

/s/ DEBORAH BARNES

23 UNITED STATES MAGISTRATE JUDGE
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