

1 **JESSE S. KAPLAN CSB# 103726**
 2 **5441 Fair Oaks Bl. Ste. C-1**
 3 **Carmichael, CA 95608**
 4 **(916) 488-3030**
 5 **(916) 489-9297 fax**

6 **Attorney for Plaintiff**
 7 **KATHLEEN MELSON PEART**

8
 9
 10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 12 **-o00o-**

13
 14 **KATHLEEN MELSON PEART,**)
 15)
 16 **Plaintiff,**)
 17)
 18 **v.**)
 19)
 20 **Carolyn Colvin,**)
 21 **ACTING COMMISSIONER OF SOCIAL**)
 22 **SECURITY,**)
 23)
 24 **Defendant.**)

No. 2:15-CV-00582-AC

STIPULATION AND
PROPOSED ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT
[28 U.S.C. §2412(d)]

25 THE PARTIES STIPULATE through the undersigned, subject to the approval of the
 26 Court, that plaintiff be awarded attorney fees in the amount of Two thousand three hundred thirty
 27 dollars and 93 cents (\$2,330.93) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and
 28 that there will be no award of costs. This will represent compensation for all legal services
 rendered by counsel for plaintiff in this civil action and in accordance with that statute.

1 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
2 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
3 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
4 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
5 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
6 plaintiff and will deliver the payment to said counsel.
7

8 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
9 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
10 shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees
11 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
12 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
13
14

15
16 Dated: April 14, 2016

/s/ Jesse S. Kaplan

JESSE S. KAPLAN
Attorney for Plaintiff

17
18
19 Dated: April 14, 2016


/s/ per email authorization

SHARON LAHEY
Special Assistant U.S. Attorney
Attorney for Defendant

1 **ORDER**

2 GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that
3 defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation.
4

5 DATED: April 15, 2016

6 
7 _____
8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28