

1 SHELLIE LOTT, SBN: 246202
 2 Cerney Kreuze & Lott, LLP
 3 42 N. Sutter Street, Suite 400
 4 Stockton, California 95202
 Telephone: (209) 948-9384
 Facsimile: (209) 948-0706

5 Attorney for Plaintiff,
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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO BRANCH

10 ROSE SETU,
 11

12 Plaintiff,

13 vs.

14 CAROLYN W. COLVIN,
 15 Acting Commissioner of Social Security,

16 Defendant

Case No.: 2:15-CV-00597-EFB

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

17
 18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 20 EAJA in the amount of FOUR THOUSAND FIVE HUNDRED NINETY DOLLARS AND
 21 TWENTY-EIGHT CENTS (\$4,590.28). This amount represents compensation for all legal
 22 services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in
 23 accordance with 28 U.S.C. § 2412.
 24

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
 27 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
 28

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

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
3 and expenses is entered, the government will determine whether they are subject to any offset.
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
8

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees and expenses, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses in connection with this action.
14

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
17

18 Respectfully submitted,

19 Dated: December 9, 2016

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

22 PHILLIP A. TALBERT
23 United States Attorney
24 DEBORAH LEE STACHEL
Regional Chief Counsel

25
26 Date: December 9, 2016

/s/Annabelle Yang
(As authorized via email on 12/09/16)
Special Assistant United States Attorney

1 **ORDER**

2 Pursuant to the stipulation, it is so ordered.

3 DATE: December 13, 2016.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE

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