

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

7 Linda Ziskin, SBN: 196293
8 Ziskin Law Office
9 PO Box 753833
10 Las Vegas, NV 89136
11 Telephone: (503) 889-0472
12 Facsimile: (888) 889-5776

13 Attorneys for Plaintiff,

14 IN THE UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO BRANCH

16 ENRICO RAMON DE LA PAZ,

17 Plaintiff,

18 vs.

19 CAROLYN W. COLVIN,
20 Acting Commissioner of Social Security,

21 Defendant

Case No.: 2:15-cv-00685-AC

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

22 IT IS HEREBY STIPULATED by and between the parties through their undersigned
23 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
24 EAJA in the amount of FIVE THOUSAND SEVEN HUNDRED DOLLARS (\$5,700.00). This
25 amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by
26 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

27 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
28 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's

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 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
2 assignment will depend on whether the fees and expenses are subject to any offset allowed under
3 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
4 and expenses is entered, the government will determine whether they are subject to any offset.
5 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause the
7 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
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10

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees and expenses, and does not constitute an admission of liability on the part of
13 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
14 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
15 EAJA attorney fees and expenses in connection with this action.
16

17 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
18 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
19

20 Respectfully submitted,

21 Dated: December 28, 2016

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

22
23 PHILLIP A. TALBERT

United States Attorney

24 DEBORAH LEE STACHE

25 Regional Chief Counsel

26 Date: December 28, 2016

/s/Scott Borrowman


(As authorized via email on 12/21/16)

28 Special Assistant United States Attorney

1 **ORDER**

2 Pursuant to the stipulation, it is so ordered.

3 DATE: January 18, 2017

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
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