

LAW OFFICE OF ELIZABETH GADE, INC.  
1900 POINT WEST WAY, SUITE 208 SACRAMENTO, CA 95815

1 ELIZABETH L. GADE (SBN: 161495)  
2 STEPHEN A. VALIZAN (SBN: 260861)  
3 LAW OFFICE OF ELIZABETH GADE, INC.  
4 1900 Point West Way, Suite 208  
5 Sacramento, CA 95815  
6 Telephone: (916) 648-8600  
7 Facsimile: (916) 648-8601

8 *Attorneys for Plaintiff*

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 LIA IRENE FALLETTI,  
12 Plaintiff,  
13 vs.  
14 NANCY A. BERRYHILL,  
15 Acting Commissioner of Social Security,  
16 Defendant,

**No. 2:15-cv-0778-DB**

**STIPULATION AND ORDER**

17 IT IS HEREBY STIPULATED by and between the parties, through their assigned counsel,  
18 subject to the Court’s approval, that plaintiff be awarded attorney fees under the Equal Access to Justice  
19 Act, (“EAJA”) in the amount of FIVE THOUSAND, SIX HUNDRED DOLLARS (\$5,600.00). This  
20 amount represents compensation for all legal services counsel rendered on behalf of Plaintiff in  
21 connection with this civil action, in accordance with 28 U.S.C. section 2412(d), and no costs under 28  
22 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of  
23 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
25 matter of Plaintiff’s assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,  
26 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on  
27 whether the fees are subject to any offset allowed under the United States Department of the  
28

1 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine  
2 whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
4 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
5 and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any  
6 payments made shall be delivered to counsel.

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

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

13  
14 Respectfully submitted,

15 Dated: April 25, 2017

/s/ Stephen A. Valizan  
STEPHEN A. VALIZAN  
Attorney for Plaintiff

16  
17  
18 Dated: April 25, 2017

PHILLIP A. TALBERT  
United States Attorney

DEBORAH LEE STACHEL  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

19  
20  
21  
22 By: /s/ Marcelo Illarmo  
MARCELO ILLARMO  
23 (\*as authorized via e-mail on April 25, 2017)  
Special Assistant United States Attorney  
24 Attorneys for Defendant  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDER

Pursuant to the parties' stipulation, (ECF No. 23), IT IS SO ORDERED.

DATED: May 1, 2017

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE