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 10 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION
 12

13 JOHN BRADLEY,) CASE NO. 2:15-cv-01026-EFB
)
 14 Plaintiff,) STIPULATION AND ~~PROPOSED~~ ORDER
 vs.) FOR THE AWARD OF ATTORNEY FEES
 15) PURSUANT TO THE EQUAL ACCESS TO
 16 CAROLYN W. COLVIN,) JUSTICE ACT, 28 U.S.C. § 2412(d)
 Acting Commissioner of Social Security,)
 17 Defendant.)
)
 18)
 19)
 20)
 21)

22 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 23 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses under the
 24 EAJA in the amount of THREE THOUSAND ONE HUNDRED FORTY-SEVEN dollars and
 25 SEVENTY-EIGHT cents (\$3,147.78). This amount represents compensation for all legal services
 26 rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance
 27 with 28 U.S.C. § 2412.

28 //

1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
2 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.
3 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment will depend on
4 whether the fees, expenses are subject to any offset allowed under the United States Department of
5 the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the
6 government will determine whether they are subject to any offset.

7 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
8 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
9 fees to be made directly to Jesse Kaplan, pursuant to the assignment executed by Plaintiff. Any
10 payments made shall be delivered to Plaintiff's counsel.

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

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

18 Respectfully submitted December 17, 2016.

19 DATED: December 16, 2016

s/ Jesse S. Kaplan
JESSE S. KAPLAN
(as authorized by email)

Attorney for Plaintiff

PHILLIP A. TALBERT
United States Attorney

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25 DATE: December 17, 2016

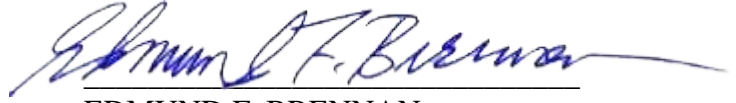
By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation and good cause appearing, it is so ordered.

DATED: December 20, 2016.

A handwritten signature in blue ink, reading "Edmund F. Brennan", written over a horizontal line.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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