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Attorney for ANTHONY SAVALA

UNITED STATE DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY SAVALA,
Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,
Defendant

Case No.: 2:15-CV-01136-CMK

**STIPULATION AND ORDER FOR
PAYMENT OF PLAINTIFF'S ATTORNEY
FEES**

TO THE HONORABLE CRAIG M. KELLISON, MAGISTRATE JUDGE OF THE DISTRICT
COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
subject to the approval of the Court, that ANTHONY SAVALA, be awarded attorney fees and expenses in
the amount of \$4921.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This
amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to ANTHONY SAVALA,, the government will
consider the matter of assignment of EAJA fees to PETER BRIXIE. The retainer agreement containing
the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the
ability to honor the assignment will depend on whether the fees are subject to any offset allowed under
the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
the government will determine whether they are subject to any offset.

1 Fees shall be made payable to ANTHONY SAVALA,, but if the Department of the Treasury
2 determines that ANTHONY SAVALA, does not owe a federal debt, then the government shall cause the
3 payment of fees, expenses and costs to be made directly to PETER BRIXIE pursuant to the assignment
4 executed by ANTHONY SAVALA, Any payments made shall be delivered to PETER BRIXIE

5 This stipulation constitutes a compromise settlement of ANTHONY SAVALA vs.
6 COMMISSIONER OF SOCIAL SECURITY request for EAJA attorney fees, and does not constitute an
7 admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed
8 amount shall constitute a complete release from, and bar to, any and all claims that ANTHONY
9 SAVALA may have relating to EAJA attorney fees in connection with this action. This award is without
10 prejudice to the rights of PETER BRIXIE to seek Social Security Act attorney fees under 42 U.S.C. §
11 406(b), subject to the savings clause provisions of the EAJA.
12

13 Respectfully submitted,

14 Dated: 8/18/16

15 By: /s/ Peter Brixie
16 PETER E. BRIXIE
Attorney at Law
Attorney for Plaintiff

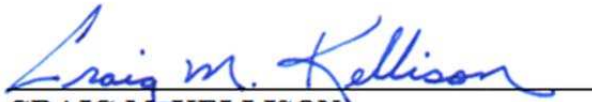
17 Dated: 8/18/16

18 /s/Marcelo Illarmo
19 MARCELO ILLARMO
Special Assistant United States Attorney
Attorneys for Defendant
Commissioner of Social Security

20 ___000___

21 APPROVED AND SO ORDERED

22 Dated: August 26, 2016

23 
24 **CRAIG M. KELLISON**
25 UNITED STATES MAGISTRATE JUDGE