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8 Attorney for Plaintiff

9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO BRANCH

11 JOSEFA RENEE FORTUNEL,

12 Plaintiff,

13 vs.

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

16 Defendant

Case No.: 2:15-CV-01198-KJN

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 THREE HUNDRED FIFTY DOLLARS  
21 (\$4,350.00). This amount represents compensation for all legal services rendered on behalf of  
22 Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §  
23 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  
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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: September 27, 2016

/s/ Shellie Lott  
SHELLIE LOTT  
Attorney for Plaintiff

PHILLIP TALBERT  
Acting United States Attorney  
DEBORAH L. STACHEL  
Acting Regional Chief Counsel

24 Dated: September 27, 2016

/s/Richard Rodriguez  
(As authorized via email on 09/27/16)  
RICHARD RODRIGUEZ  
Special Assistant United States Attorney

1 **ORDER**

2 Pursuant to the stipulation, it is so ordered.

3 Dated: October 11, 2016

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6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE  
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