

1 Shanny J. Lee, Calif. Bar No. 213599  
2 Law Office of Charles E. Binder  
3 and Harry J. Binder, LLP  
4 Attorneys for Plaintiff  
5 485 Madison Avenue, Suite 501  
6 New York, NY 10022  
7 (212)-677-6801  
8 Fax (646)-273-2196  
9 Fedcourt@binderlawfirm.com

10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 ROBERT GIBSON LEMONS, JR., ) No. 2:15-cv-1214-DB

14 Plaintiff, )

15 v. )

16 NANCY A. BERRYHILL,  
17 Acting Commissioner of Social  
18 Security, )

19 Defendant. )

20 **STIPULATION AND ORDER**  
21 **AWARDING ATTORNEY FEES**  
22 **UNDER THE EQUAL ACCESS TO**  
23 **JUSTICE ACT, PURSUANT TO**  
24 **28 U.S.C. § 2412(d), AND COSTS,**  
25 **PURSUANT TO 28 U.S.C. § 1920**

26 IT IS HEREBY STIPULATED by and between the parties through their  
27 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
28 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),  
in the amount of FIVE THOUSAND SIX HUNDRED DOLLARS (\$5,600.00),  
and costs under 28 U.S.C. § 1920, in the amount of FOUR HUNDRED  
DOLLARS (\$400.00). 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. §§ 2412(d), 1920.

1           After the Court issues an order for EAJA fees and expenses to Plaintiff, the  
2 government will consider the matter of Plaintiff's assignment of EAJA fees and  
3 expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521  
4 (2010), the ability to honor the assignment will depend on whether the fees and  
5 expenses are subject to any offset allowed under the United States Department of  
6 the Treasury's Offset Program. After the order for EAJA fees and expenses is  
7 entered, the government will determine whether they are subject to any offset.

8           Fees and expenses shall be made payable to Plaintiff, but if the Department  
9 of the Treasury determines that Plaintiff does not owe a federal debt, then the  
10 government shall cause the payment of fees and expenses to be made directly to  
11 Plaintiff's counsel, pursuant to the assignment executed by Plaintiff. Any  
12 payments made shall be delivered to Plaintiff's counsel. A true and correct copy of  
13 the Retainer Agreement and Assignment is attached hereto as Exhibit "A."

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

20           This award is without prejudice to the rights of Plaintiff's counsel to seek  
21 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
22 provisions of the EAJA.  
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Respectfully submitted,

Dated: May 30, 2017

LAW OFFICES OF HARRY J. BINDER  
AND CHARLES E. BINDER, P.C.

By: /s/ Shanny Lee  
Shanny Lee  
Attorney for Plaintiff

Dated: May 30, 2017

By: /s/ Richard Rodriguez  
Richard Rodriguez  
Special Assistant United States Attorney  
  
Attorneys for Defendant

**ORDER**

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: June 6, 2017



DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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