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4 Attorney for Plaintiff

5  
6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA  
8 SACRAMENTO DIVISION

9	SEAN MICHAEL EMMONS,	)	Civ. No. 2:15-CV-01509-EFB
		)	
10	Plaintiff,	)	STIPULATION FOR ATTORNEY’S FEES
		)	UNDER THE EQUAL ACCESS TO
11	vs.	)	JUSTICE ACT, 28 U.S.C. Section 2412(d)
		)	
12	CAROLYN W. COLVIN, Acting Commissioner	)	
	of the Social Security Administration,	)	
13		)	
		)	
14	Defendant.	)	
		)	
15		)	

16 STIPULATION

17 It is hereby stipulated by and between the parties through their undersigned counsel, subject to the approval  
18 of the Court, that Sean Michael Emmons will be awarded attorney fees in the amount of FIVE THOUSAND FIVE  
19 HUNDRED and NO CENTS DOLLARS (\$5,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.  
20 section 2412(d). This amount represents compensation for all legal services rendered on behalf of Sean Michael  
21 Emmons by counsel in connection with this civil action before the United States District Court for the Eastern  
22 District of California in accordance with 28 U.S.C. section 2412(d).

23 After the Court issues an order for EAJA fees to Sean Michael Emmons, the Commissioner of the Social  
24 Security Administration will consider any assignment of EAJA fees to John V. Johnson pursuant to Astrue v. Ratliff,  
25 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are  
26 subject to any offset allowed under the United States Department of Treasury’s Offset Program. After the order for  
27 EAJA fees is entered, the Commissioner of the Social Security Administration will determine whether they are  
28 subject to any offset.

1 Fees and expenses shall be made payable to Sean Michael Emmons, but if the Department of the Treasury  
2 determines that Sean Michael Emmons does not owe a federal debt, then the government shall cause the payment of  
3 fees to be made directly to John V. Johnson, pursuant to any assignment executed by Sean Michael Emmons. Any  
4 payment made shall be delivered to John V. Johnson.

5 This stipulation constitutes a compromise settlement of Sean Michael Emmons' request for EAJA attorney  
6 fees, expenses and costs, and does not constitute an admission of liability on the part of the Commissioner of the  
7 Social Security Administration under EAJA. Payment of the agreed amount shall constitute complete release from,  
8 and bar to, any and all claims that Sean Michael Emmons and/or John V. Johnson may have relating to EAJA  
9 attorney fees, expenses, and costs in connection with this action.

10 Respectfully Submitted,

11 DATED: January 11, 2017

12 / s / John V. Johnson  
13 (As authorized  
14 [johnvjohnson@sbcglobal.net](mailto:johnvjohnson@sbcglobal.net))  
15 John V. Johnson  
16 Attorney for Plaintiff

17 DATED: January 11, 2017

18 PHILLIP TALBERT  
19 United States Attorney  
20 DEBORAH L. STACHEL,  
21 Acting Regional Chief  
22 Chief Attorney, Region IX  
23 Social Security Administration

24 By: /s/ Richard Rodriguez  
25 Special Assistant  
26 U. S. Attorney  
27 Attorney for Defendant  
28 Richard.Rodriguez@ssa.gov

**ORDER**

APPROVED AND SO ORDERED.

Dated: January 17, 2017.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE