

1 BESS M. BREWER, #100364
2 LAW OFFICE OF BESS M. BREWER
3 P.O. Box 5088
4 Sacramento, CA 95817
5 Telephone: (916) 385-7517
6 besshelena@earthlink.net
7 Attorneys for Plaintiff

8 **IN THE UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **CRAIG T. CONKLIN JR.**

11 **Case No. 15-1616 CKD**

12 **Plaintiff,**

13 **v.**

14 **STIPULATION AND ORDER APPROVING**
15 **SETTLEMENT OF ATTORNEY FEES**
16 **PURSUANT TO THE EQUAL ACCESS TO**
17 **JUSTICE ACT**

18 **CAROLYN W. COLVIN**
19 **ACTING COMMISSIONER OF SSA,**
20 **Defendant.**

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
22 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal
23 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND NINE
24 HUNDRED DOLLARS AND ZERO CENTS (\$4,900.00). This amount represents compensation for
25 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
26 accordance with 28 U.S.C. § 2412(d). After the Court issues an order for EAJA fees and expenses to
27 Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and
28 expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the
ability to honor the assignment will depend on whether the fees and expenses are subject to any
offset allowed under the United States Department of the Treasury's Offset Program.

Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment

1 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

9
10
11 Dated: January 18, 2017

/s/Bess M. Brewer
BESS M. BREWER
Attorney at Law
Attorney for Plaintiff

12
13
14
15 Dated: January 18, 2017


Phillip A. Talbert
Acting United States Attorney

/s/ Jeffrey Chen
JEFFREY CHEN
Special Assistant United States Attorney
Attorneys for Defendant

16
17
18
19
20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees
22 in the amount of FOUR THOUSAND NINE HUNDRED DOLLARS AND ZERO CENTS
23 (\$4,900.00) , as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced
24 Stipulation.

25
26 Dated: January 20, 2017


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE