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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 MARSHA D. RICE,) No. 2:15-cv-1763-DB
13 Plaintiff,)
14 v.) **STIPULATION AND ORDER**
15 NANCY A. BERRYHILL,) **AWARDING ATTORNEY FEES**
16 Acting Commissioner of Social) **UNDER THE EQUAL ACCESS TO**
17 Security,) **JUSTICE ACT, PURSUANT TO**
28 U.S.C. § 2412(d), AND COSTS,
29 Defendant.) **PURSUANT TO 28 U.S.C. § 1920**

30 IT IS HEREBY STIPULATED by and between the parties through their
31 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
32 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
33 in the amount of FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00),
34 and costs under 28 U.S.C. § 1920, in the amount of FOUR HUNDRED
35 DOLLARS (\$400.00). This amount represents compensation for all legal services
36 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
37 accordance with 28 U.S.C. §§ 2412(d), 1920.

38 After the Court issues an order for EAJA fees and expenses to Plaintiff, the
39 government will consider the matter of Plaintiff's assignment of EAJA fees and

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

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

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

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

Dated: March 16, 2017

LAW OFFICE OF CHARLES E. BINDER
AND HARRY J. BINDER, LLC

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

Dated: March 16, 2017

By: /s/ Francesco Paulo Benavides
Francesco Paulo Benavides
Special Assistant United States Attorney

Attorneys for Defendant

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ORDER

Pursuant to the parties' stipulation (ECF No. 15) IT IS SO ORDERED.

Dated: March 27, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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