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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

12 MIGUEL A. MORALES,

13 Plaintiff,

14 vs.

15 NANCY A. BERRYHILL,¹
Acting Commissioner of Social Security,

16 Defendant.
17
18

) No. 2:15-cv-1822-DB

) STIPULATION AND ORDER
) AWARDING ATTORNEY FEES
) UNDER THE EQUAL ACCESS TO
) JUSTICE ACT, 28 U.S.C. § 2412(d)

19 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
20 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to
21 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND EIGHT HUNDRED
22 DOLLARS AND 00 CENTS (\$4,800.00). This amount represents compensation for all legal services
23 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
24 U.S.C. §2412(d).

25 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the
26 Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner
27 Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit
by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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

7 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
8 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
9 fees, expenses and costs to be made directly to Bess Brewer, pursuant to the assignment executed by
10 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

18 Dated: June 29, 2017

19 By: /s/ Bess M. Brewer
20 (As authorized via e-mail)
21 BESS M. BREWER
22 Attorney for Plaintiff

23 BRIAN STRETCH
24 United States Attorney

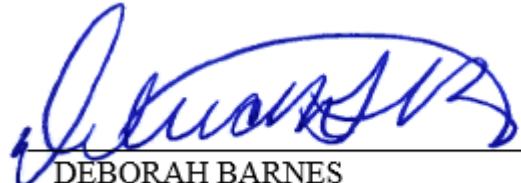
25 Dated: June 29, 2017

26 By: /s/ C. Hay-Mie Cho
27 C. HAY-MIE CHO
28 Special Assistant United States Attorney

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.²

Dated: July 4, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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² In light of the parties' stipulation, plaintiff's June 5, 2017 motion for EAJA fees (ECF No. 26) is denied without prejudice as having been rendered moot.