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PHILLIP A. TALBERT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
ANN L. MALEY, CSBN 176877
Special Assistant United States Attorney
Social Security Administration
160 Spear St., Suite 800
San Francisco, CA 94105
Telephone: (415) 977-8974
Facsimile: (415) 744-0134
Email: ann.maley@ssa.gov
Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JULIE L. WOLFF,) No. 2:15-cv-1899-DB
)
Plaintiff,) **STIPULATION AND ORDER FOR**
) **THE AWARD AND PAYMENT OF**
v.) **ATTORNEY FEES PURSUANT TO**
) **THE EQUAL ACCESS TO**
NANCY A. BERRYHILL, Acting) **JUSTICE ACT, 28 U.S.C. § 2412(d)**
Commissioner of Social Security,)
)
Defendant.)
)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that WOLFF (“Plaintiff”) be awarded attorney fees and expenses in the amount of EIGHT THOUSAND SEVEN HUNDRED dollars (\$8,700) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation

1 for all legal services rendered on behalf of Plaintiff by counsel in connection with
2 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government
4 will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's
5 counsel Jared Walker. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct.
6 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
7 whether the fees are subject to any offset allowed under the United States
8 Department of the Treasury's Offset Program. After the order for EAJA fees is
9 entered, the government will determine whether they are subject to any offset.

10 Fees shall be made payable to Plaintiff, but if the Department of the
11 Treasury determines that Plaintiff does not owe a federal debt, then the
12 government shall cause the payment of fees, expenses and costs to be made
13 directly to Jared Walker, pursuant to the assignment executed by Plaintiff. Any
14 payments made shall be delivered to Plaintiff's counsel Jared Walker.

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

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1 This award is without prejudice to the rights of Jared Walker and/or Jared
2 Walker's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b),
3 subject to the savings clause provisions of the EAJA.

4 Respectfully submitted,

5
6 Dated: 5/22/17

LAW OFFICES OF JARED WALKER

7 By: /s/ Jared Walker

8 JARED WALKER

9 * *By email authorization on 5/22/17*

10 Attorneys for Plaintiff

11 Dated: 5/22/17

PHILLIP A. TALBERT

12 United States Attorney

13
14 By: /s/ Ann L. Maley

15 ANN L. MALEY

16 Special Assistant United States Attorney

17
18 **ORDER**

19 Pursuant to the parties' stipulation, IT IS SO ORDERED.¹

20
21 DATED: May 26, 2017

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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28 ¹ In light of the parties' stipulation, plaintiff's April 21, 2017 motion for EAJA fees (ECF No. 23) is denied as having been rendered moot.