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13 Attorneys for Plaintiff

14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

16 RIGOBERTO GALVAN ALCAZAR,

Case No.: 2:15-cv-02203-KJN

17 Plaintiff,

18 vs.

STIPULATION AND ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)

19 COMMISSIONER OF SOCIAL SECURITY,

20 Defendant

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24 IT IS HEREBY STIPULATED by and between the parties through their undersigned
25 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
26 EAJA in the amount of FIVE THOUSAND THREE HUNDRED AND NO CENTS (\$5300.00).
27 This amount represents a negotiated compensation for all legal services rendered on behalf of
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STIPULATION AND ORDER FOR THE AWARD OF ATTORNEY FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

1 Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §
2 2412.

3 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
4 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
5 attorney. Pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010), the ability to honor the
6 assignment will depend on whether the fees and expenses are subject to any offset allowed under
7 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
8 and expenses is entered, the government will determine whether they are subject to any offset.
9 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
10 determines that Plaintiff does not owe a federal debt, then the government shall cause the
11 payment of fees, expenses and costs to be made directly to Plaintiff's attorney, Shellie Lott, at
12 the law firm of Cerney, Kreuze and Lott, LLP, as captioned above, pursuant to the
13 assignment executed by Plaintiff. Any payments made shall be delivered directly to Plaintiff's
14 attorney at the address above.
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18 This stipulation constitutes full settlement of Plaintiff's request for EAJA attorney fees
19 and expenses, and does not constitute an admission of liability on the part of Defendant under the
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
21 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
22 and expenses in connection with this action.
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1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
2 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
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5 Respectfully submitted,

6 Dated: June 27, 2016

/s/ Linda Ziskin

Linda Ziskin
Of Attorneys for Plaintiff

8 PHILLIP A. TALBERT
9 United States Attorney
10 DEBORAH LEE STACHEL
11 Regional Chief Counsel

12 Date: June 27, 2017

/s/ Carolyn B. Chen

(As authorized via email)
13 CAROLYN B. CHEN
14 Special Assistant United States Attorney
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1 **ORDER**


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

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5 Dated: June 29, 2017

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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