

1 PETER E. BRIXIE, Bar #124186
 Attorney at Law
 2 410 Twelfth Street, Suite One
 Sacramento, CA 95814
 3 Telephone: (916) 658-1880 Fax: (916) 658-1884
 E-mail: peterbrixie@gmail.com

4 Attorney for ROBERT BROOM

5 UNITED STATE DISTRICT COURT
 6 EASTERN DISTRICT OF CALIFORNIA

7 ROBERT BROOM,
 Plaintiff,

Case No.: **2:15-CV-02393-EFB**

8 vs.

STIPULATION AND PROPOSED ORDER
 FOR PAYMENT OF PLAINTIFF'S
 ATTORNEY FEES

9
 10 COMMISSIONER OF SOCIAL SECURITY,
 Defendant

11
 12 TO THE HONORABLE EDMUND F. BRENNAN, IT IS HEREBY STIPULATED by
 and between the parties through their undersigned counsel, subject to the approval of the Court,
 13 that ROBERT BROOM be awarded attorney fees and expenses in the amount of \$4800.00 under
 14 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents
 15 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
 16 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

17 After the Court issues an order for EAJA fees to ROBERT BROOM, the government
 will consider the matter of assignment of EAJA fees to PETER BRIXIE. The retainer agreement
 18 containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
 19 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to
 20 any offset allowed under the United States Department of the Treasury's Offset Program. After
 21 the order for EAJA fees is entered, the government will determine whether they are subject to
 any offset.

22 Fees shall be made payable to ROBERT BROOM, but if the Department of the Treasury
 23 determines that ROBERT BROOM does not owe a federal debt, then the government shall cause
 24 the payment of fees, expenses and costs to be made directly to PETER BRIXIE pursuant to the
 25

1 assignment executed by ROBERT BROOM Any payments made shall be delivered to PETER
2 BRIXIE

3 This stipulation constitutes a compromise settlement of ROBERT BROOM vs.
4 COMMISSIONER OF SOCIAL SECURITY request for EAJA attorney fees, and does not
5 constitute an admission of liability on the part of Defendant under the EAJA or
6 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to,
7 any and all claims that ROBERT BROOM may have relating to EAJA attorney fees in
8 connection with this action. This award is without prejudice to the rights of PETER BRIXIE to
9 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
10 provisions of the EAJA.

11 Respectfully submitted,

12 Dated: May 9, 2017

13 By: /s/ Peter Brixie
14 PETER E. BRIXIE
15 Attorney at Law
16 Attorney for Plaintiff

17 Dated: May 9, 2017

18 /s/ Jeffery T. Chen
19 JEFFERY T. CHEN
20 Special Assistant United States Attorney
21 Attorneys for Defendant

22 ___000___

23 APPROVED AND SO ORDERED

24 Dated: May 9, 2017.

25 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE