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10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
12 SACRAMENTO DIVISION  
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15 SHIRLEY A. MARTINEZ, ) CASE. No.: 2:15-CV-02651-DMC  
16 Plaintiff, )  
17 vs. ) STIPULATION AND ORDER  
FOR ATTORNEY'S FEES PURSUANT  
TO 28 U.S.C. SECTION 2412(d)  
18 NANCY A. BERRYHILL, Acting Commissioner )  
of the Social Security Administration, )  
19 )  
20 Defendant. )  
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1 It is hereby stipulated by and between the parties through their undersigned counsel, subject to the approval  
2 of the Court, that Shirley A. Martinez, will be awarded attorney fees in the amount of THIRTEEN THOUSAND  
3 FIVE HUNDRED and NO CENTS DOLLARS (\$13,500.00) under the Equal Access to Justice Act (EAJA), 28  
4 U.S.C. section 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by  
5 counsel in connection with this civil action, in accordance with 28 U.S.C. section 2412(d).

6 After the Court issues an order for EAJA fees to Shirley A. Martinez, the Defendant will consider any  
7 assignment of EAJA fees to John V. Johnson pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2252-2253 (2010), the  
8 ability to honor any such assignment will depend on whether the fees are subject to any offset allowed under the  
9 United States Department of Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant  
10 will determine whether they are subject to any offset.

11 Fees shall be made payable to Shirley A. Martinez, but if the Department of the Treasury determines that  
12 Shirley A. Martinez, does not owe a federal debt, then the government shall cause the payment of fees to be made  
13 directly to John V. Johnson, pursuant to any assignment executed by Plaintiff. Any payment made shall be delivered  
14 to John V. Johnson.

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1 This stipulation constitutes a compromise settlement of Shirley A. Martinez's request for EAJA attorney  
2 fees and does not constitute an admission of liability on the part of the Defendant under EAJA. Payment of the  
3 agreed amount shall constitute complete release from, and bar to, any and all claims that Shirley A. Martinez, and/or  
4 John V. Johnson may have relating to EAJA attorney fees in connection with this action. This award is without  
5 prejudice to the rights of John V. Johnson to seek Social Security Act attorney fees under 42 U.S.C. Section 406(b)  
6 subject to the savings clause provisions of EAJA.

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8 Respectfully Submitted,

9 DATED: May 28, 2019

/ s / John V. Johnson  
(As authorized  
[johnvjohanson@sbcglobal.net](mailto:johnvjohanson@sbcglobal.net))  
John V. Johnson  
Attorney for Plaintiff

12 DATED: May 28, 2019

13 McGREGOR W. Scott  
14 United States Attorney  
DEBORAH L. STACHEL Acting  
Regional Chief Attorney, Region IX  
Social Security Administration

15 By: /s / Tina L. Naicker  
16 TINA L. NAICKER  
Special Assistant U.S. Attorney  
17 Attorney for Defendant

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20 APPROVED AND SO ORDERED.

21 Dated: June 6, 2019

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DENNIS M. COTA  
24 UNITED STATES MAGISTRATE JUDGE  
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