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5 Attorney for Plaintiff,
TIMOTHY L. BEALS
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7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 TIMOTHY L. BEALS,
10 Plaintiff,
11 v.
12 NANCY A. BERRYHILL,
Commissioner of Social Security,
13 Defendant.
14

Case No.: 2:16-cv-00008-CKD

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

15
16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
17 counsel, subject to the approval of the Court, that Timothy L. Beals (Plaintiff) be awarded attorney
18 fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of Six
19 Thousand Five Hundred Dollars (\$6,500.00). This amount represents compensation for all legal
20 services incurred on behalf of Plaintiff by counsel in connection with this civil action. Plaintiff
21 agrees to waive recovery of costs under 28 U.S.C. § 1920.

22 Upon the Court's issuance of an order granting EAJA fees to Plaintiff, the government will
23 determine the issue of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue
24 v. Ratliff, 560 U.S. 586, 597-598 (2010), the ability to honor the assignment will depend on if the
25 fees are subject to any offset allowed under the United States Department of the Treasury's Offset
26 Program. After the order for EAJA fees is entered, the government will determine whether they are
27 subject to any offset.

28 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that

1 Plaintiff does not owe a federal debt, then the government will cause the payment of fees to be made
2 directly to Plaintiff's attorney, LAW OFFICE OF JARED T. WALKER, P.C., pursuant to the
3 assignment executed by Plaintiff. Any payments made will be delivered to JARED T. WALKER.

4 This stipulation constitutes a settlement of Plaintiff's request for EAJA attorney fees and
5 does not constitute an admission of liability on the part of defendant under the EAJA or otherwise.
6 Payment of the agreed amount will constitute a complete release from, and bar to, any and all claims
7 that Plaintiff and/or Plaintiff's attorney including LAW OFFICE OF JARED T. WALKER, P.C.,
8 may have relating to EAJA attorney fees in connection with this action.

9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
10 attorney fees under 42 U.S.C. § 406, subject to the savings clause provisions of the EAJA.

11 Dated: November 27, 2017

Respectfully submitted,

12 /s/ Jared Walker

13 JARED T. WALKER,
Attorney for Plaintiff

14 SO STIPULATED:

15 PHILLIP A. TALBERT
16 United States Attorney

17 Dated: November 27, 2017

By: /s/ Ellinor R. Coder

18 (*authorized by e-mail on Nov. 27, 2017)
19 Ellinor R. Coder
Special Assistant United States Attorney
Attorneys for Defendant

20 **ORDER**

21 Based upon the parties' Stipulation for Award of Attorney Fees pursuant to the Equal Access
22 to Justice Act (EAJA),

23 IT IS ORDERED that EAJA fees are awarded to plaintiff in the amount of Six Thousand
24 Five Hundred Dollars (\$6,500.00) subject to the terms of the parties' foregoing Stipulation.

25 Dated: November 29, 2017

26 Carolyn K. Delaney

27 CAROLYN K. DELANEY
28 UNITED STATES MAGISTRATE JUDGE