

1 **JESSE S. KAPLAN CSB# 103726**
2 **5441 Fair Oaks Bl. Ste. C-1**
3 **Carmichael, CA 95608**
4 **(916) 488-3030**
5 **(916) 489-9297 fax**

6 **Attorney for Plaintiff**
7 **DeANDRE SHOWERS**

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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12 **-o000o-**

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14 **DeANDRE SHOWERS,**)
15)
16 **Plaintiff,**)
17)
18 **v.**)
19 **Nancy Berryhill, ,**)
20 **ACTING COMMISSIONER OF SOCIAL**)
21 **SECURITY,**)
22 **Defendant.**)

No. 2:16-cv-00053-CKD

STIPULATION AND
ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT
[28 U.S.C. §2412(d)]

23 THE PARTIES STIPULATE through the undersigned, subject to the approval of the
24 Court, that plaintiff be awarded attorney fees in the amount of Five Thousand One Hundred Six
25 Dollars and 61 cents (\$5,106.61) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and
26 that there will be no award of costs. This will represent compensation for all legal services
27 rendered by counsel for plaintiff in this civil action and in accordance with that statute.
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1 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
2 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
3 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
4 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
5 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
6 plaintiff and will deliver the payment to said counsel.
7

8 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
9 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
10 shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees
11 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
12 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
13
14

15 Dated: December 15, 2017

/s/ Jesse S. Kaplan

JESSE S. KAPLAN
Attorney for Plaintiff

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19 Dated: December 15, 2017

/s/ per email authorization

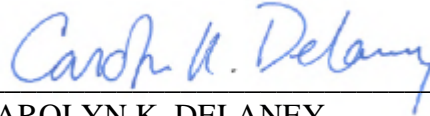
BEN A. PORTER
Special Assistant U.S. Attorney
Attorney for Defendant
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1 **ORDER**

2 GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that:

- 3 1. Plaintiff's motion for attorney's fees (ECF No. 25) is denied as moot; and
4
5 2. Defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this
6 stipulation.

7 Dated: December 19, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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