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3 Social Security Administration
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8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
11 **SACRAMENTO DIVISION**

13 KATHRYN DIANE TORRES,) No. 2:16-cv-00310-DB
14)
Plaintiff,) STIPULATION AND ORDER AWARDING
15) ATTORNEY FEES UNDER THE
vs.) EQUAL ACCESS TO JUSTICE ACT,
16 NANCY A. BERRYHILL,) 28 U.S.C. § 2412(d)
Acting Commissioner of Social Security,)
17)
18 Defendant.)

19
20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal
22 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND FIVE
23 HUNDRED DOLLARS AND 00 CENTS (\$6,500.00). This amount represents compensation
24 for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil
25 action, in accordance with 28 U.S.C. § 2412(d).

26 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
27 will consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s
28 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment

1 will depend on whether the fees and expenses are subject to any offset allowed under the United
2 States Department of the Treasury's Offset Program. After the order for EAJA fees and
3 expenses is entered, the government will determine whether they are subject to any offset.

4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the
5 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
6 the payment of fees and expenses to be made directly to Robert C. Weems, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees and expenses, and does not constitute an admission of liability on the part of
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
12 EAJA attorney fees and expenses in connection with this action.

13 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
14 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

15
16 Respectfully submitted,

17 Dated: December 27, 2017

/s/ Robert C. Weems by Chantal R. Jenkins*

ROBERT C. WEEMS

As authorized *via* email on December 21, 2017

Attorney for Plaintiff

20
21 Dated: December 27, 2017

PHILLIP A. TALBERT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

25
26 By: /s/ Chantal R. Jenkins

CHANTAL R. JENKINS

Special Assistant United States Attorney

1 ORDER

2 Pursuant to the parties' stipulation, IT IS SO ORDERED.¹

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4 Dated: December 28, 2017

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7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE
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28 ¹ In light of the parties' stipulation, plaintiff's December 8, 2017 motion for EAJA fees (ECF No. 21) is denied as having been rendered moot.