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13 Attorneys for Plaintiff,

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO BRANCH

16 RONALD LEE BURLEY,  
17 Plaintiff,

Case No.: 2:16-cv-00485-EFB

18 vs.

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

19 NANCY A. BERRYHILL,  
20 Acting Commissioner of Social Security,  
21 Defendant

22 IT IS HEREBY STIPULATED by and between the parties through their  
23 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees  
24 under the EAJA in the amount of FIVE THOUSAND FIVE HUNDRED AND FIFTY  
25 DOLLARS AND 00 CENTS (\$5550.00). This amount represents a negotiated compensation for  
26 all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil  
27 action, in accordance with 28 U.S.C. § 2412.

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

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

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under  
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees  
3 and 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, expenses and costs to be made directly to Shellie Lott, pursuant to the  
7 assignment executed by Plaintiff, attached to this filing. Any payments made shall be delivered  
8 to Plaintiff's counsel.

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

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

16 Respectfully submitted,

17 Dated: August 1, 2017

18 /s/ Shellie Lott  
SHELLIE LOTT  
Attorney for Plaintiff

19 PHILLIP A. TALBERT  
20 United States Attorney  
21 DEBORAH LEE STACHE  
22 Regional Chief Counsel

23 Date: August 1, 2017

24 /s/Carolyn Chen  
CAROLYN CHEN  
25 (As authorized via email on 8/1/17)  
26 Special Assistant United States Attorney  
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**ORDER**

Pursuant to the stipulation for \$5500.00, it is so ordered.

DATE: August 3, 2017.



EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE