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5 JOSEPH C. FRAULOB – CA State Bar #194355  
 6 Attorney For Plaintiff

7 UNITED STATES DISTRICT COURT  
 8 EASTERN DISTRICT OF CALIFORNIA

9 CHRISTINA SHAWN SCHMIDT,  
 10 Plaintiff,

CIV. NO. 2:16-CV-00516-AC

11 vs.

**STIPULATION FOR AWARD OF EAJA  
 FEES**

12 COMMISSIONER OF SOCIAL SECURITY,  
 13 Defendant  
 14

15 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and  
 16 with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under  
 17 the Equal Access To Justice Act (EAJA) 28 U.S.C. 2412(d), in the amount of four thousand, five  
 18 hundred dollars (\$4500.00). This amount represents compensation for all legal services rendered  
 19 on behalf of Plaintiff by his counsel in connection with this civil action, in accordance with 28  
 20 U.S.C. 2412(d).

21 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
 22 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to Astrue v.  
 23 Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on  
 24 whether the fees are subject to any offset allowed under the United States Department of the  
 25 Treasury’s Offset Program. After the order to EAJA fees is entered, the government will  
 26 determine if it is subject to any offset.

27 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury  
 28 determines that Plaintiff does not owe a federal debt, then the government shall cause the

1 payment of fees and costs to be made directly to Plaintiff's counsel Joseph C. Fraulob, pursuant  
2 to the written assignment executed by Plaintiff. Any payments shall be delivered to Plaintiff's  
3 counsel Joseph C. Fraulob.

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

9  
10 DATE: December 6, 2017 By /s/ Joseph Clayton Fraulob  
11 JOSEPH CLAYTON FRAULOB  
12 Attorney for plaintiff

13  
14 DATE: December 6, 2017 PHILLIP A. TALBERT  
15 United States Attorney

16 By /s/ Sharon Lahey  
17 (As authorized via email)  
18 SHARON LAHEY  
19 Assistant Regional Counsel  
20 Attorneys for Defendant

21 ORDER

22 APPROVED AND SO ORDERED

23 DATED: December 7, 2017

24 Allison Claire  
25 ALLISON CLAIRE  
26 UNITED STATES MAGISTRATE JUDGE  
27  
28