

1 **JESSE S. KAPLAN CSB# 103726**  
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6 **Attorney for Plaintiff**  
 7 **GALINA DEMCHUK**

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 10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
 12 **-o00o-**

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 14 **GALINA DEMCHUK,** )  
 15 )  
 16 **Plaintiff,** )  
 17 )  
 18 **v.** )  
 19 )  
 20 **Nancy Berryhill,** )  
 21 **ACTING COMMISSIONER OF SOCIAL** )  
 22 **SECURITY,** )  
 23 )  
 24 **Defendant.** )

**No. 2:16-cv-000977-EFB**

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

25 THE PARTIES STIPULATE through the undersigned, subject to the approval of the  
 26 Court, that plaintiff be awarded attorney fees in the amount of Four Thousand Dollars  
 27 (\$4,000.00) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and that there will be no  
 28 award of costs. This will represent compensation for all legal services rendered by counsel for  
 plaintiff in this civil action and in accordance with that statute.

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*.  
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16           Dated: January 2, 2018

/s/ Jesse S. Kaplan

JESSE S. KAPLAN  
Attorney for Plaintiff

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19           Dated: January 2, 2018

/s/ per email authorization

JEFFREY CHEN  
Special Assistant U.S. Attorney  
Attorney for Defendant

1 **ORDER**

2 GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that  
3 defendant pay plaintiff's attorney fees in the amount of \$4,000 pursuant to the *EAJA* in  
4 accordance with this stipulation.  
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6 DATED: January 8, 2018.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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