

1 HADLEY & FRAULOB
 2 A Professional Law Corporation
 3 230 Fifth Street
 4 Marysville, CA 95901
 (916) 743-4458
 FAX (530) 743-5008

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

7 UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA

9 DAVID IRVING APEL,
 10 Plaintiff,

11 vs.

12 COMMISSIONER OF SOCIAL SECURITY,
 13 Defendant

CIV. NO. 2:16-CV-01022-EFB

**STIPULATION FOR AWARD OF EAJA
 FEES**

14 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and
 15 with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under
 16 the Equal Access To Justice Act (EAJA) 28 U.S.C. 2412(d), in the amount of four thousand,
 17 seven hundred and fifty dollars (\$4750.00). This amount represents compensation for all legal
 18 services rendered on behalf of Plaintiff by his counsel in connection with this civil action, in
 19 accordance with 28 U.S.C. 2412(d).

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

26 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury
 27 determines that Plaintiff does not owe a federal debt, then the government shall cause the
 28 payment of fees and costs to be made directly to Plaintiff’s counsel Joseph C. Fraulob, pursuant

1 to the written assignment executed by Plaintiff. Any payments shall be delivered to Plaintiff's
2 counsel Joseph C. Fraulob.

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

8
9
10 DATE: December 6, 2017 *By /s/ Joseph Clayton Fraulob*
11 JOSEPH CLAYTON FRAULOB
Attorney for plaintiff

12
13 DATE: December 6, 2017 PHILLIP A. TALBERT
United States Attorney

14
15 *By /s/ Beatrice Na*
16 (As authorized via email)
17 BEATRICE NA
Assistant Regional Counsel
Attorneys for Defendant

18
19 ORDER

20 APPROVED AND SO ORDERED.

21 DATED: December 7, 2017.

22 
23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28