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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12

13 KEVIN BLANKENSHIP,) No. 2:16-cv-01024-AC
)
14 Plaintiff,) STIPULATION AND [PROPOSED]
) ORDER FOR THE AWARD AND
15 v.) PAYMENT OF ATTORNEY FEES AND
) EXPENSES PURSUANT TO THE EQUAL
17 NANCY A. BERRYHILL, ¹) ACCESS TO JUSTICE ACT, 28 U.S.C. §
Acting Commissioner of Social Security,) 2412(d), AND COSTS PURSUANT TO
18 Defendant.) 28 U.S.C. § 1920
)
)

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21 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees, expenses
 23 and costs in the amount of one thousand seven hundred and fifty dollars (\$1,750) under the
 24 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and 28 U.S.C. § 1920. This amount
 25 represents compensation for all legal services, expenses and costs rendered on behalf of
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27 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal
 28 Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as
 the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of
 section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
2 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
4 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560
5 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will
6 depend on whether the fees are subject to any offset allowed under the United States
7 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
8 government will determine whether they are subject to any offset.

9 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
10 determines that Plaintiff does not owe a federal debt, then the government shall cause the
11 payment of fees, expenses and costs to be made directly to counsel, pursuant to the assignment
12 executed by Plaintiff. Any payments made shall be delivered to counsel.

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

18 This award is without prejudice to the rights of counsel and/or counsel's firm to seek
19 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
20 provisions of the EAJA.

21
22 DATE: February 13, 2017

Respectfully submitted,

23 PHILLIP A. TALBERT
24 United States Attorney
25 DEBORAH LEE STACHEL
26 Regional Chief Counsel, Region IX
27 Social Security Administration

28 /s/ Elizabeth Firer
ELIZABETH FIRER
Special Assistant United States Attorney

1 DATE: February 13, 2017

Respectfully submitted,

2 s/ Kelsey Mackenzie Brown
3 KELSEY MACKENZIE BROWN
4 Attorney for Plaintiff
(per email authorization)

5 ORDER

6 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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8 DATED: February 14, 2017

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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