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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
11 **SACRAMENTO DIVISION**

13 DANIEL STOCKERT,) Case No.: 2:16-cv-01185-CKD
14)
Plaintiff,) STIPULATION AND ORDER AWARDING
15) ATTORNEY FEES UNDER THE
vs.) EQUAL ACCESS TO JUSTICE ACT,
16) 28 U.S.C. § 2412(d)
NANCY A. BERRYHILL,)
17) Acting Commissioner of Social Security,
18)
Defendant.)

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20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
21 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal
22 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND ONE
23 HUNDRED SIXTY-FIVE DOLLARS AND SIXTY FOUR CENTS (\$5,165.64). This amount
24 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
25 connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

26 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
27 will consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s
28

1 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment
2 will depend on whether the fees and expenses are subject to any offset allowed under the United
3 States Department of the Treasury's Offset Program. After the order for EAJA fees and
4 expenses is entered, the government will determine whether they are subject to any offset.

5 Fees and expenses shall be made payable to Plaintiff, but if the Department of the
6 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
7 the payment of fees and expenses to be made directly to Kelsey Brown, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered 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
17 Respectfully submitted,

18 Dated: January 2, 2018

/s/ Kelsey M. Brown by Chantal R. Jenkins*
KELSEY M. BROWN
As authorized *via* email on January 2, 2018
Attorney for Plaintiff

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22 Dated: January 2, 2018

PHILLIP A. TALBERT
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27 By: /s/ Chantal R. Jenkins
CHANTAL R. JENKINS
Special Assistant United States Attorney
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ORDER

APPROVED AND SO ORDERED:

Dated: January 5, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE