

1 David J. Linden
 Attorney at Law
 2 CSBN 41221
 Post Office Box 5780
 3 Napa, CA 94581-0780
 Tel. (707) 252-7007
 4 Fax. (707) 252-7883
 Email - david@lindenlaw.net

5 Attorney for Plaintiff

6
 7 UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA
 9 SACRAMENTO DIVISION

10 AHSHA PICKARD,) Case No.: 2:16-cv-01545-JAM-CMK
 11)
 Plaintiff,) STIPULATION AND ORDER FOR THE AWARD OF
 12) ATTORNEY’S FEES PURSUANT TO THE EQUAL
 vs.) ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(D)
 13)
 NANCY BERRYHILL, Acting Commissioner of)
 14 Social Security,)
 Defendant.)
 15)
 16)

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to
 18 the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of ten thousand six hundred
 19 seventy-five dollars and sixteen cents (\$10,675.16) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
 20 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 21 connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d); 1920.

22
 23 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any assignment of
 24 EAJA fees to David J. Linden. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor
 25 any such assignment will depend on whether the fees are subject to any offset allowed under the United States

1 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will
2 determine whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe
4 a federal debt, then the government shall cause the payment of fees to be made directly to David J. Linden, pursuant
5 to any assignment executed by Plaintiff. Any payments made shall be delivered to David J. Linden.
6

7 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not
8 constitute an admission of liability on the part of Defendant. This award is without prejudice to the rights of
9 Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the
10 EAJA.

11 Dated: June 27, 2018

/s/ David J. Linden
DAVID J. LINDEN
Attorney for Plaintiff

12
13
14 Dated: June 27, 2018

MCGREGOR SCOTT
United States Attorney

15
16 By */s/Michael K.Marriott*
MICHAEL K. MARRIOTT
17 (as authorized by email on 6/27/2018)
Special Assistant US Attorney
Attorneys for Defendant
18

19 ORDER

20 PURSUANT TO STIPULATION , IT IS SO ORDERED:
21

22
23
24 Dated: 6/27/2018

/s/ John A. Mendez

JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE
25