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4 Attorney for ETTA MOORE

5 UNITED STATES DISTRICT COURT
 6 EASTERN DISTRICT OF CALIFORNIA

7 ETTA MOORE,
 Plaintiff,

Case No.: **2:16-CV-01676-EFB**

8 vs.

STIPULATION AND PROPOSED ORDER
 FOR PAYMENT OF PLAINTIFF'S
 ATTORNEY FEES

9
 10 COMMISSIONER OF SOCIAL SECURITY,
 Defendant

11
 12 To the Honorable EDMUND F. BRENNAN, IT IS HEREBY STIPULATED by and
 13 between the parties through their undersigned counsel, subject to the approval of the Court, that
 14 ETTA MOORE be awarded attorney fees and expenses in the amount of \$7300.00 under the
 15 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation
 16 for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil
 action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

17 After the Court issues an order for EAJA fees to ETTA MOORE, the government will
 18 consider the matter of assignment of EAJA fees to PETER BRIXIE. The retainer agreement
 19 containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
 20 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to
 21 any offset allowed under the United States Department of the Treasury's Offset Program. After
 the order for EAJA fees is entered, the government will determine whether they are subject to
 any offset.

22 Fees shall be made payable to ETTA MOORE, but if the Department of the Treasury
 23 determines that ETTA MOORE does not owe a federal debt, then the government shall cause the
 24 payment of fees, expenses and costs to be made directly to PETER BRIXIE pursuant to the
 25

1 assignment executed by ETTA MOORE any payments made shall be delivered to PETER
2 BRIXIE.

3 This stipulation constitutes a compromise settlement of ETTA MOORE vs.
4 COMMISSIONER OF SOCIAL SECURITY request for EAJA attorney fees, and does not
5 constitute an admission of liability on the part of Defendant under the EAJA or
6 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to,
7 any and all claims that ETTA MOORE may have relating to EAJA attorney fees in connection
8 with this action. This award is without prejudice to the rights of PETER BRIXIE to seek Social
9 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
10 the EAJA.

11 Respectfully submitted,

12 Dated: 11/28/17

13 By: /s/ Peter Brixie
14 PETER E. BRIXIE
15 Attorney at Law
16 Attorney for Plaintiff

17 Dated: 11/28/17

18 /s/Daniel Adam Lazar
19 DANIEL ADAM LAZAR
20 Special Assistant United States Attorney
21 Attorneys for Defendant

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23 APPROVED AND SO ORDERED

24 Dated: November 28, 2017.

25 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE