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5 Attorney for Plaintiff

7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO BRANCH

10 BARNEY RAY LEWIS,

11 Plaintiff,

12 vs.

13 NANCY A BERRYHILL,
 14 Acting Commissioner of Social Security,

15 Defendant

Case No.: 2:16-CV-01705-AC

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STIPULATION AND ~~PROPOSED~~ ORDER
 FOR THE AWARD OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT, 28 U.S.C. § 2412(d)

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 20 EAJA in the amount of FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS
 21 (\$4,750.00). This amount represents compensation for all legal services rendered on behalf of
 22 Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §
 23 2412.
 24

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
 27 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
 28 assignment will depend on whether the fees and expenses are subject to any offset allowed under

STIPULATION AND PROPOSED ORDER FOR THE AWARD OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
2 and expenses is entered, the government will determine whether they are subject to any offset.
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the
5 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
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8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees and expenses, and does not constitute an admission of liability on the part of
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
12 EAJA attorney fees and expenses in connection with this action.
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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.
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18 Respectfully submitted,

19 Dated: October 2, 2017

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

PHILLIP A. TALBERT

United States Attorney

DEBORAH L. STACHEL

Regional Chief Counsel, Region IX

24 Date: October 2, 2017

/s/ Jennifer A. Kenney

(As authorized via email on 09/28/2017)


JENNIFER A. KENNEY

Special Assistant United States Attorney

1 **ORDER**

2 Pursuant to the stipulation, it is so ordered.

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4 Dated: October 2, 2017

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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