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6 **Attorney for Plaintiff**
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 10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
 12 **-o00o-**

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 14 **GALINA IGNATYEV,**)
 15)
 16 **Plaintiff,**)
 17)
 18 **v.**)
 19)
 20 **Nancy Berryhill, Acting**)
 21 **COMMISSIONER OF SOCIAL**)
 22 **SECURITY,**)
 23)
 24 **Defendant.**)
 25)
 26)
 27)
 28)

No. 2:16-CV-02579-EFB

STIPULATION AND
PROPOSED ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT [28 U.S.C.
§2412(d)]

THE PARTIES STIPULATE through their undersigned counsel that the Court's order of April 22, 2014, granting plaintiff's motion for attorney fees under the Equal Access to Justice Act may be withdrawn and this stipulation and order substituted therefor.

1 THE PARTIES STIPULATE through the undersigned, subject to the approval of the
2 Court, that plaintiff be awarded attorney fees in the amount of Four Thousand Seven hundred
3 nineteen Dollars and eighty-eight cents (\$4,719.88) under the *Equal Access to Justice Act*, 28
4 U.S.C. §2412(d) and that there will be no award of costs. This will represent compensation for
5 all legal services rendered by counsel for plaintiff in this civil action and in accordance with that
6 statute.
7

8 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
9 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
10 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
11 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
12 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
13 plaintiff and will deliver the payment to said counsel.
14

15 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
16 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
17 shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees
18 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
19 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
20
21

22
23 Dated: June 29, 2018

/s/ Jesse S. Kaplan

24 JESSE S. KAPLAN
25 Attorney for Plaintiff
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1 Dated: July 2, 2018

/s/ per email authorization

2 BEN A. PORTER
3 Special Assistant U.S. Attorney
4 Attorney for Defendant

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10 **ORDER**

11 GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that
12 defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation.
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14 The Clerk is directed to terminate the motion at ECF No. 24.

15 DATED: July 9, 2018.

16 
17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE