

1 MCGREGOR W. SCOTT
United States Attorney
2 DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
3 Social Security Administration
4 BEATRICE NA, CSBN 303390
Special Assistant United States Attorney
5 Office of the General Counsel
160 Spear Street, Suite 800
6 San Francisco, California 94105
7 Telephone: (415) 977-8967
8 Facsimile: (415) 744-0134
E-mail: beatrice.na@ssa.gov

9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

13 ERICK MASON,) No. 2:16-cv-02734-CKD
)
14 Plaintiff,) JOINT STIPULATION AND PROPOSED
) ORDER FOR THE AWARD AND
15 v.) PAYMENT OF ATTORNEY FEES AND
) EXPENSES PURSUANT TO THE EQUAL
16 NANCY A. BERRYHILL, Acting) ACCESS TO JUSTICE ACT, 28 U.S.C.
17 Commissioner of Social Security,) § 2412(d)
)
18 Defendant.)
19)

20
21 IT IS HEREBY STIPULATED by and between the parties through their undersigned
22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and
23 expenses in the amount of Three Thousand dollars (\$ 3,000.00) under the Equal Access to
24 Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal
25 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
26 accordance with 28 U.S.C. § 2412(d).

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
28 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel, Robert Weems.

1 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the
2 ability to honor the assignment will depend on whether the fees are subject to any offset
3 allowed under the United States Department of the Treasury's Offset Program. After the order
4 for EAJA fees is entered, the government will determine whether they are subject to any offset.

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

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees, and does not constitute an admission of liability on the part of Defendant under
11 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or counsel may have relating to EAJA
13 attorney fees in connection with this action.

14 This award is without prejudice to the rights of counsel to seek Social Security Act
15 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

16 Respectfully submitted,

17 Dated: March 28, 2019

18 By: /s/ Beatrice Na for Robert Weems *
19 ROBERT WEEMS
20 (* By email authorization on March 28, 2019)

21 Attorney for Plaintiff

22 Dated: March 28, 2019

23 By: /s/ Beatrice Na
24 BEATRICE NA
25 Special Assistant United States Attorney

26 Attorney for Defendant

27 APPROVED AND SO ORDERED.

28 Dated: April 3, 2019



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE