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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
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14 CHERRELYN M. EMBERNATE,
15 Plaintiff,
16 v.
17 NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
18 Defendant.
19

No. 2:17-cv-00040-JAM-DB

STIPULATION AND ORDER FOR THE
AWARD OF FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
21 counsel, subject to the approval of the Court, that the previously-filed Motion for Attorney's Fees,
22 filed June 26, 2018, shall be withdrawn, and that Plaintiff be awarded attorney fees and expenses
23 under the EAJA in the amount of SIX THOUSAND dollars (\$6,000). This amount represents
24 compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in
25 connection with this civil action, in accordance with 28 U.S.C. § 2412.

26 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
27 attorney fees and expenses, and does not constitute an admission of liability on the part of
28 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release

1 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
2 EAJA attorney fees and expenses in connection with this action.

3 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
4 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

5 Respectfully submitted July 2, 2018.

6 DATED: July 2, 2018

7 /s/ Terry LaPorte
TERRY LAPORTE
8 (as authorized by email)
Attorney for Plaintiff

9 MCGREGOR W. SCOTT
10 United States Attorney


11 DATED: July 2, 2018

12 By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant United States Attorney
13 Attorneys for Defendant

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15 ORDER

16 Pursuant to the parties' stipulation, IT IS SO ORDERED.

17 Dated: July 6, 2018

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20 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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