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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 LAURA THOMPSON,

12 Plaintiff,

13 vs.

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

15 Defendant.
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Case No. 2:17-cv-0216 CKD

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

18 TO THE HONORABLE CAROLYN K. DELANEY, MAGISTRATE JUDGE OF THE
19 DISTRICT COURT:

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
22 amount of SIX THOUSAND DOLLARS AND 00/100 CENTS (\$6,000.00) under the Equal
23 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
24 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in

1 accordance with 28 U.S.C. §§ 1920; 2412(d). (Attorney's hourly rate of \$192.68 times 31.70
2 hours).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
4 the matter of LAURA THOMPSON assignment of EAJA fees to Kenneth J. Collins. The
5 retainer agreement containing the assignment is attached as Exhibit 1. Pursuant to *Astrue v.*
6 *Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether
7 the fees are subject to any offset allowed under the United States Department of the Treasury's
8 Offset Program. After the order for EAJA fees is entered, the government will determine
9 whether they are subject to any offset.

10 Fees shall be made payable to LAURA THOMPSON, but if the Department of the
11 Treasury determines that LAURA THOMPSON does not owe a federal debt, then the
12 government shall cause the payment of fees, expenses and costs to be made directly to Mr.
13 Collins, pursuant to the assignment executed by LAURA THOMPSON. Any payments made
14 shall be delivered to Mr. Collins.

15 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
16 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
17 EAJA or otherwise. Payment of SIX THOUSAND DOLLARS AND 00/100 CENTS
18 (\$6,000.00) in EAJA attorney fees, shall constitute a complete release from, and bar to, any and
19 all claims that Plaintiff THOMPSON and Plaintiff's Attorney Kenneth J. Collins may have
20 relating to EAJA attorney fees and expenses in connection with this action. This award is
21 without prejudice to the rights of Plaintiff's Attorney, Kenneth J. Collins to seek Social Security
22 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

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Respectfully submitted,

Dated: February 22, 2018

/s/ Kenneth J. Collins
KENNETH J. COLLINS
Attorney for Plaintiff

McGREGOR W. SCOTT
United States Attorney

DEBORAH L. STACHEL
Regional Chief Counsel, Region IX

Dated: February 22, 2018

/s/ Richard M. Rodriguez
RICHARD M. RODRIGUEZ
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of SIX THOUSAND DOLLARS AND 00/100 CENTS (\$6,000.00) as authorized by 28 U.S.C. 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: March 9, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE