

1 LEGAL SERVICES OF NORTHERN CALIFORNIA  
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8 Attorneys for Petitioner,  
9 Tad Joseph Baker

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 **TAD JOSEPH BAKER,**

13 Plaintiff,

14 vs.

15 **NANCY A. BERRYHILL,**  
16 Acting Commissioner of the  
17 Social Security Administration,

18 Defendant.

) No. 2:17-cv-00266-DB

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

19 IT IS HEREBY STIPULATED by and between the parties through their  
20 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
21 attorney fees and expenses in the amount of SEVEN THOUSAND FIVE HUNDRED  
22 dollars (\$7,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).  
23 This amount represents compensation for all legal services rendered on behalf of  
24 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.  
25 § 2412(d).

26 After the Court issues an order for EAJA fees to Plaintiff, the government will  
27 consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant  
28 to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the  
ability to honor the assignment will depend on whether the fees are subject to any offset

1 allowed under the United States Department of the Treasury's Offset Program. After  
2 the order for EAJA fees is entered, the government will determine whether they are  
3 subject to any offset.

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

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

14  
15 Respectfully submitted,

16 Date: December 19, 2018

LEGAL SERVICES OF NORTHERN CALIFORNIA

/s/ Antonio Valdez

By: Antonio Valdez, Attorney for Plaintiff

17  
18  
19 Date: December 19, 2018

/s/ Donna W. Anderson

DONNA W. ANDERSON

Special Assistant U.S. Attorney

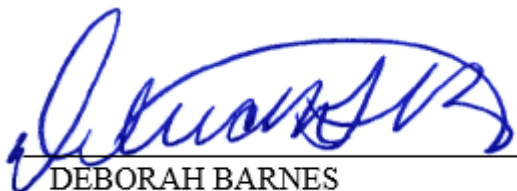
Attorneys For Defendant

(\* By e-mail authorization on 12/19/2018)

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.<sup>1</sup>

Dated: December 26, 2018

  
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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> In light of the parties' stipulation, plaintiff's November 27, 2018 motion for attorney's fees (ECF No. 27) is denied as having been rendered moot.