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 8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

13	DARRYL WAYNE MCNEELY,	)	
		)	
14	Plaintiff,	)	Civil No. 2:17-cv-00335-KJN
		)	
15	v.	)	STIPULATION FOR THE AWARD
		)	AND PAYMENT OF ATTORNEY FEES
16	NANCY A. BERRYHILL,	)	AND EXPENSES PURSUANT TO THE
17	Acting Commissioner of	)	EQUAL ACCESS TO JUSTICE ACT,
	Social Security,	)	28 U.S.C. § 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 Daryl Wayne McNeely be awarded attorney  
 23 fees and expenses in the amount of six thousand and nine hundred dollars (\$6,900.00) under the  
 24 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920.  
 25 This amount represents compensation for all legal services rendered on behalf of Plaintiff by  
 26 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Daryl Wayne McNeely the government  
2 will consider the matter of Daryl Wayne McNeely's assignment of EAJA fees to Robert C.  
3 Weems. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the  
4 assignment will depend on whether the fees are subject to any offset allowed under the United  
5 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the  
6 government will determine whether they are subject to any offset.

7 Fees shall be made payable to Daryl Wayne McNeely, but if the Department of the  
8 Treasury determines that Daryl Wayne McNeely does not owe a federal debt, then the  
9 government shall cause the payment of fees, expenses and costs to be made directly to Robert C.  
10 Weems, pursuant to the assignment executed by Daryl Wayne McNeely.

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

16  
17 Respectfully submitted,

18 Date: April 26, 2019

WEEMS LAW OFFICES

19 BY: /s/ Robert C. Weems

20 ROBERT C. WEEMS  
Attorney for Plaintiff

21 Date: April 26, 2019

22 MCGREGOR W. SCOTT  
United States Attorney  
23 DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
24 Social Security Administration

25 BY: /s/ Francesco P. Benavides

26 FRANCESCO P. BENAVIDES  
Special Assistant United States Attorney  
27 Attorneys for Defendant

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**ORDER**

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED

DATED: May 1, 2019.

  
UNITED STATES DISTRICT JUDGE