

1 Robert C. Weems (CA SBN 148156)
WEEMS LAW OFFICES
2 769 Center Blvd., PMB 38
Fairfax, CA 94930
3 Ph: 415.881.7653
4 Fx: 866.610.1430
rcweems@weemslawoffices.com

5 Attorneys for Plaintiff,
NANCY T. LEVINE

6 MCGREGOR W. SCOTT
7 United States Attorney
DEBORAH LEE STACHEL, CSBN 230138
8 Regional Chief Counsel, Region IX
Social Security Administration
9 MARCELO ILLARMO, MABN 670079
Special Assistant United States Attorney
10 160 Spear Street, Suite 800
San Francisco, CA 94105
11 Telephone: (415) 977-8924
Facsimile: (415) 744-0134
12 Email: marcelo.illarmon@ssa.gov

13 Attorneys for Defendant,
NANCY A. BERRYHILL,
14 Acting Commissioner of Social Security,

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

18 NANCY T. LEVINE,

19 Plaintiff,

20 v.

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

22 Defendant.

No. 2:17-cv-00540-DB

STIPULATION AND ORDER RE:
ATTORNEYS FEES

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
2 subject to the approval of the Court, that Plaintiff, NANCY T. LEVINE, be awarded attorney fees in
3 the amount of Seven Thousand Five Hundred Dollars and no cents (\$7,500.00) under the Equal
4 Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). This amount represents compensation for all
5 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
6 accordance with 28 U.S.C. §§ 1920; 2412(d).

7
8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider (i)
9 Plaintiff’s assignment to counsel, Robert C. Weems. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
10 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to any
11 offset allowed under the United States Department of the Treasury’s Offset Program. After the order
12 for EAJA fees is entered, the government will determine whether they are subject to any offset.

13
14 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
15 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to be
16 made directly to Robert Weems, pursuant to the assignment executed by Plaintiff. Any payments
17 made shall be delivered to counsel, Robert Weems.

18
19 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA attorney fees
20 and does not constitute an admission of liability on the part of Defendant under the EAJA or
21 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
22 and all claims that Plaintiff and/or Robert Weems including Weems Law Offices may have relating
23 to EAJA attorney fees in connection with this action.

24
25 This award is without prejudice to the rights of Robert Weems and/or Weems Law Offices to
26 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
27 provisions of the EAJA.

28 SO STIPULATED AND AGREED:

Dated: January 18, 2019

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL, CSBN 230138

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Regional Chief Counsel, Region IX
Social Security Administration
MARCELO ILLARMO, MABN 670079,
Special Assistant United States Attorney

/s/Marcelo Illarmo
MARCELO ILLARMO,
Attorneys for Defendant

Dated: January 18, 2019

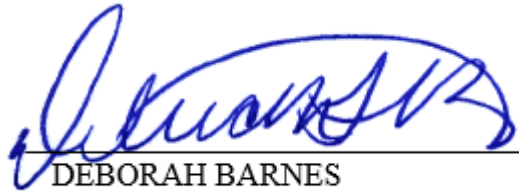
WEEMS LAW OFFICES

/s/Robert C. Weems
Robert C. Weems,
Attorney for Plaintiff

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.¹

Dated: January 18, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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¹ In light of the parties' stipulation, plaintiff's December 5, 2018 motion for attorney's fees (ECF No. 28) is denied as having been rendered moot.