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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12 **SACRAMENTO DIVISION**

13 DAWN ZUCKSWERT,)
 14 Plaintiff,)
 15 vs.)
 16 NANCY A. BERRYHILL,)
 17 Acting Commissioner of Social Security,)
 18 Defendant.)

Case No.: 2:17-cv-00779-AC
**STIPULATION FOR THE AWARD AND
 PAYMENT OF ATTORNEY FEES AND
 EXPENSES PURSUANT TO THE EQUAL
 ACCESS TO JUSTICE ACT, 28 U.S.C.
 § 2412(d); [PROPOSED] ORDER**

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 21 counsel, subject to the approval of the Court, that Plaintiff Dawn Zuckswert be awarded attorney
 22 fees and expenses in the amount of seven thousand and two hundred dollars (\$7,200.00) under
 23 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C.
 24 § 1920. This amount represents compensation for all legal services rendered on behalf of
 25 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920,
 26 2412(d).
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1 After the Court issues an order for EAJA fees to Plaintiff Dawn Zuckswert, the
2 government will consider the matter of Plaintiff's assignment of EAJA fees to Robert C.
3 Weems. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91
4 (2010), the ability to honor the assignment will depend on whether the fees are subject to any
5 offset allowed under the United States Department of the Treasury's Offset Program. After the
6 order for EAJA fees is entered, the government will determine whether they are subject to any
7 offset.

8 Fees shall be made payable to Plaintiff Dawn Zuckswert, but if the Department of the
9 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
10 the payment of fees and expenses to be made directly to Robert C. Weems, pursuant to the
11 assignment executed by Plaintiff. Any payments made shall be delivered to counsel Robert C.
12 Weems.

13 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
14 attorney fees, and does not constitute an admission of liability on the part of Defendant under
15 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
16 from, and bar to, any and all claims that Plaintiff Dawn Zuckswert and/or Robert C. Weems,
17 including Weems Law Offices may have relating to EAJA attorney fees in connection with this
18 action.

19 Respectfully submitted,

20 Dated: January 18, 2019

/s/ Robert C. Weems
(*as authorized via email on January 18, 2019)
ROBERT C. WEEMS
Attorney for Plaintiff

22 Dated: January 18, 2019

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

26 By: /s/ Allison J. Cheung
27 ALLISON J. CHEUNG
28 Special Assistant U.S. Attorney
Attorneys for Defendant

[PROPOSED] ORDER

1 Based upon the parties' Stipulation for the Award and Payment of Attorney Fees and
2 Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), **IT IS ORDERED**
3 that fees and expenses in the amount of \$7,200.00 as authorized by 28 U.S.C. § 2412, and no
4 costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.
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6 Dated: January 22, 2019

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8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
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