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9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11	TERESA VICTORIA ZUMPARO,)	Case No.: 2:17-cv-01006-CMK
12)	
13	Plaintiff,)	STIPULATION & ORDER FOR THE
14	vs.)	AWARD AND PAYMENT OF
15	NANCY A. BERRYHILL,)	ATTORNEY FEES AND EXPENSES
16	Acting Commissioner of Social Security,)	PURSUANT TO THE EQUAL ACCESS
17	Defendant.)	TO JUSTICE ACT, 28 U.S.C. § 2412(d)

18
 19 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 20 counsel, subject to the approval of the Court, that Plaintiff Teresa Victoria Zumpano (Plaintiff)
 21 be awarded attorney fees and expenses in the amount of six thousand dollars and zero cents
 22 (\$6,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount
 23 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 24 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 26 the matter of Plaintiff's assignment of EAJA fees to counsel Josephine Gerrard. Pursuant to
 27 *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on
 28 whether the fees are subject to any offset allowed under the United States Department of the
 Stipulation & PO; Case No.: 2:17-cv-01006-CMK

1 Treasury's Offset Program. After the order for EAJA fees is entered, the government will
2 determine whether they are subject to any offset.

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

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

12 This award is without prejudice to the rights of counsel Josephine Gerrard and/or Gerrard
13 Law Offices to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the
14 savings clause provisions of the EAJA.

15
16 Respectfully submitted,

17 Dated: February 20, 2018

GERRARD LAW OFFICES

18 By: /s/ Josephine M. Gerrard*

19 JOSEPHINE M. GERRARD

20 Attorneys for Plaintiff

21 [*As authorized by e-mail on Feb. 20, 2018]

22 Dated: February 26, 2018

MCGREGOR W. SCOTT

23 United States Attorney

DEBORAH LEE STACHEL

24 Regional Chief Counsel, Region IX

Social Security Administration

25 By: /s/ Margaret Branick-Abilla

26 MARGARET BRANICK-ABILLA

27 Special Assistant United States Attorney

28 Attorneys for Defendant

Stipulation & PO; Case No.: 2:17-cv-01006-CMK

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: February 26, 2018


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE