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5 Attorney for Plaintiff Dennis T. Bay

6 UNITED STATES DISTRICT COURT  
 7 EASTERN DISTRICT OF CALIFORNIA  
 8

DENNIS T. BAY,	)	Case No.: 2:17-CV-01034-TLN-KJN
	)	
Plaintiff,	)	
	)	STIPULATION AND ORDER APPROVING
v.	)	SETTLEMENT OF ATTORNEY FEES AND
	)	COSTS PURSUANT TO THE EQUAL
NANCY A. BERRYHILL,	)	ACCESS TO JUSTICE ACT,
Acting Commissioner of	)	28 U.S.C. §2412(d)
Social Security,	)	
	)	
Defendant.	)	
	)	

16 IT IS HEREBY STIPULATED by and between the parties, through their  
 17 undersigned counsel, subject to the Court's approval, that Plaintiff be awarded  
 18 attorney fees under the Equal Access to Justice Act, ("EAJA") in the amount of  
 19 TEN THOUSAND SIX HUNDRED AND TWENTY-FIVE DOLLARS (\$10,625.00) and costs in the  
 20 amount of FOUR HUNDRED AND TWENTY-FIVE DOLLARS AND THIRTY-SIX CENTS (\$425.36).  
 21 These amounts represent compensation for legal services rendered on behalf of  
 22 Plaintiff by counsel in connection with this civil action, in accordance with  
 23 28 U.S.C. §§1920, 2412(d).

24 After the Court issues an order for EAJA fees and costs to Plaintiff, the  
 25 Government will consider the matter of Plaintiff's assignment of EAJA fees and  
 26 costs to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521  
 27 (2010), the ability to honor the assignment will depend on whether the fees are  
 28 subject to any offset allowed under the United States Department of the

1 Treasury's Offset Program. After the order for EAJA fees and costs is entered,  
2 the Government will determine whether the fees are subject to any offset. Fees  
3 and costs shall be made payable to Plaintiff. However, if the Department of  
4 the Treasury determines that Plaintiff does not owe a federal debt, then the  
5 Government shall cause the payment of fees and costs to be made directly to  
6 Barbara Marie Rizzo, pursuant to the assignment executed by Plaintiff. Any  
7 payments made shall be delivered to Plaintiff's counsel.

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

14 This award is without prejudice to the rights of Plaintiff's counsel to  
15 seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the  
16 offset provisions of the EAJA.

17 Respectfully submitted,

18 Dated: November 8, 2018

"/s/Barbara Marie Rizzo"  
BARBARA MARIE RIZZO  
Attorney for Plaintiff

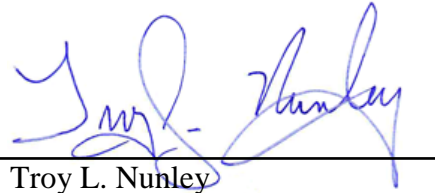
20 Dated: November 8, 2018

"/s/Ben Porter"  
BEN PORTER  
(As authorized via e-mail)  
Special Assistant United States Attorney  
Attorney for Defendant  
Nancy A. Berryhill, Acting Commissioner  
of Social Security

1 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded  
2 attorney fees in the amount of TEN THOUSAND SIX HUNDRED AND TWENTY-FIVE DOLLARS  
3 (\$10,625.00) and costs in the amount of FOUR HUNDRED AND TWENTY-FIVE DOLLARS  
4 AND THIRTY-SIX CENTS (\$425.36), as authorized by 28 U.S.C. §§1920, 2412(d),  
5 subject to the terms of the above referenced Stipulation.

6 IT IS SO ORDERED.

7  
8 Dated: November 9, 2018

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11 Troy L. Nunley  
12 United States District Judge  
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