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Attorney for Plaintiff Carlos Brown Garza

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARLOS BROWN GARZA,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.

Case No.: 2:17-CV-1076-EFB

STIPULATION AND ORDER APPROVING  
SETTLEMENT OF ATTORNEY FEES, COSTS,  
AND EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT,  
28 U.S.C. §2412(d)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act, ("EAJA") in the amount of ELEVEN THOUSAND SEVEN HUNDRED AND EIGHTY DOLLARS (\$11,780.00) and costs/expenses in the amount of ONE HUNDRED AND THIRTY-SIX DOLLARS (\$136.00). These amounts represent compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§1920, 2412(d).

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

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

8 This stipulation constitutes a compromise settlement of Plaintiff's  
9 request for EAJA attorney fees, costs, and expenses and does not constitute an  
10 admission of liability on the part of Defendant under the EAJA. Payment of the  
11 agreed amount shall constitute a complete release from, and bar to, any and all  
12 claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA  
13 attorney fees, costs, and expenses 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: December 19, 2018

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


20 Dated: December 19, 2018

"/s/Carolyn Chen"  
CAROLYN CHEN  
(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 ELEVEN THOUSAND SEVEN HUNDRED AND EIGHTY DOLLARS  
3 (\$11,780.00) and costs/expenses in the amount of ONE HUNDRED AND THIRTY-SIX  
4 DOLLARS (\$136.00), as authorized by 28 U.S.C. §§1920, 2412(d), subject to the  
5 terms of the above referenced Stipulation.

6 IT IS SO ORDERED.

7 Dated: January 7, 2019.

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9 EDMUND F. BRENNAN  
10 United States Magistrate Judge  
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