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Attorney for Plaintiff Lisa D. Tyler

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LISA D. TYLER,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.

Case No.: 2:17-cv-01167-EFB

STIPULATION AND ORDER APPROVING  
SETTLEMENT OF ATTORNEY FEES AND COSTS  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT

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 FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00) and costs in the amount of TWO HUNDRED TWENTY-TWO DOLLARS AND FIFTY-EIGHT CENTS (\$222.58). The amount represents compensation for all 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 and costs to Plaintiff, the Government will consider the matter of Plaintiff's assignment of EAJA fees and costs 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 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. If  
3 the Department of the Treasury determines that Plaintiff does not owe a federal  
4 debt, the Government shall cause the payment of fees and costs to be made  
5 directly to Barbara Marie Rizzo, pursuant to the assignment executed by  
6 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

13 This award is without prejudice to the rights of Plaintiff's counsel to  
14 seek attorney fees pursuant to the Social Security Act, codified at 42 U.S.C.  
15 §406, subject to the offset provisions of the EAJA.

16 Respectfully submitted,

17 Dated: December 12, 2018

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

18  
19 Dated: December 12, 2018

"/s/Jeffrey Chen"  
JEFFREY CHEN  
(As authorized via e-mail)  
Special Assistant United States Attorney  
Attorney for Defendant  
Nancy A. Berryhill, Acting Commissioner  
of Social Security

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded  
2 attorney fees in the amount of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS  
3 (\$14,500.00) and costs in the amount of TWO HUNDRED TWENTY-TWO DOLLARS AND  
4 FIFTY EIGHT CENTS (\$222.58), 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 Dated: December 18, 2018



8 THE HONORABLE EDMUND F. BRENNAN  
9 United States Magistrate Judge