

1 MCGREGOR W. SCOTT  
United States Attorney  
2 DEBORAH LEE STACHEL  
Regional Chief Counsel  
3 DANIEL P. TALBERT  
Special Assistant United States Attorney  
4 Social Security Administration  
160 Spear Street, Suite 800  
5 San Francisco, CA 94105  
Telephone: (415) 977-8995  
6 Facsimile: (415) 744-0134  
Attorneys for Defendant  
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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 SACRAMENTO DIVISION  
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14 JANICE MARIE GOODMAN,  
15 Plaintiff,  
16 v.  
17 NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,  
18 Defendant.  
19

No. 2:17-cv-01228-CKD

STIPULATION AND ORDER FOR THE  
AWARD OF FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
21 counsel, subject to the approval of the Court, that the previously-filed Motion for Attorney's Fees,  
22 filed April 2, 2019, shall be withdrawn, and that Plaintiff be awarded attorney fees and expenses  
23 under the EAJA in the amount of SIX THOUSAND NINE HUNDRED dollars (\$6,900). This  
24 amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by  
25 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

26 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government  
27 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's  
28 attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment

1 will depend on whether the fees, expenses are subject to any offset allowed under the United  
2 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses  
3 is entered, the government will determine whether they are subject to any offset.

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

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

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

15 Respectfully submitted April 3, 2019.

16 DATED: April 2, 2019

17 /s/ Robert C. Weems  
18 ROBERT C. WEEMS  
19 (as authorized by email)  
20 Attorney for Plaintiff

MCGREGOR W. SCOTT  
United States Attorney

21 DATED: April 3, 2019

22 By s/ Daniel P. Talbert  
23 DANIEL P. TALBERT  
24 Special Assistant United States Attorney


25 Attorneys for Defendant  
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ORDER

Pursuant to stipulation, it is so ordered. The Clerk of Court shall terminate the motion for attorney fees at ECF No. 26 pursuant to this order.

Dated: April 4, 2019

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE