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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**  
11 **SACRAMENTO DIVISION**

12 MARIA MORGUNOV, ) No. 2:17-cv-01363-DB  
13 )  
Plaintiff, ) STIPULATION AND ORDER FOR  
14 ) PAYMENT OF ATTORNEY FEES AND  
vs. ) EXPENSES PURSUANT TO THE EQUAL  
15 ) ACCESS TO JUSTICE ACT, 28 U.S.C. §  
16 ) 2412(d), AND COSTS PURSUANT TO  
Acting Commissioner of Social Security, ) 28 U.S.C. § 1920  
17 )  
18 Defendant. )  
19 )

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and  
22 expenses in the amount of \$1800.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C.  
23 § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all  
24 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
25 accordance with 28 U.S.C. §§ 1920; 2412(d).  
26

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
28 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel, Jesse S. Kaplan.

1 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will  
2 depend on whether the fees are subject to any offset allowed under the United States Department  
3 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
4 determine whether they are subject to any offset.  
5

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
7 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
8 expenses and costs to be made directly to Jesse S. Kaplan, pursuant to the assignment executed  
9 by Plaintiff. Any payments made shall be delivered to Jesse S. Kaplan.  
10

11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
12 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
13 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
14 bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating  
15 to EAJA attorney fees in connection with this action.  
16

17 Respectfully submitted,

18  
19 Dated: December 17, 2018

/s/ Jesse S. Kaplan\*  
(\*as authorized by email on Dec. 17, 2018)  
JESSE S. KAPLAN  
Attorney for Plaintiff

20  
21  
22 Dated: December 17, 2018

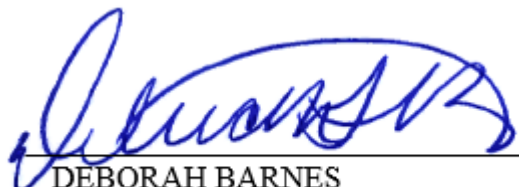
MCGREGOR W. SCOTT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX,  
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26 By: /s/ Jennifer A. Kenney  
JENNIFER A. KENNEY  
Special Assistant U.S. Attorney  
Attorneys for Defendant  
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1  
2 **ORDER**

3 Pursuant to the parties' stipulation, IT IS SO ORDERED.<sup>1</sup>

4 Dated: December 20, 2018

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7 \_\_\_\_\_  
8 DEBORAH BARNES  
9 UNITED STATES MAGISTRATE JUDGE  
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<sup>1</sup> In light of the parties' stipulation, plaintiff's December 15, 2018 motion for attorney fees (ECF No. 24) is denied as having been rendered moot.