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7 Attorney for Plaintiff

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 STEPHANIE MINA,) No. 2:17-cv-01381-DB
11 Plaintiff,)
12 v.) STIPULATION AND ORDER FOR
13 NANCY A. BERRYHILL,) ATTORNEY FEES PURSUANT TO THE
14 Acting Commissioner of Social Security) EQUAL ACCESS TO JUSTICE ACT
15 Defendant)

16 Plaintiff, Stephanie Mina, by and through her attorney, Nancy McCombs, and Defendant,
17 Nancy A. Berryhill, Acting Commissioner of Social Security Administration, by and through
18 attorneys, McGregor Scott, United States Attorney for the Eastern District of California, Jeffrey Chen,
19 Special Assistant United States Attorney, and Deborah Lee Stachel, Regional Chief Counsel, for said
20 district, jointly stipulate that the court award attorney fees and expenses in the amount of four-thousand
21 three-hundred dollars (\$4,300.00) under the Equal Access to Justice Act, 28, U.S.C. § 2412(d), and costs
22 in the amount of four hundred dollars (\$400.00) under 28 U.S.C. § 1920. This amount represents
23 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil
24 action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

25 After the Court issues order for EAJA fees to Plaintiff, the government will consider the matter
of the Plaintiff's assignment of EAJA fees to Nancy McCombs. Pursuant to *Astrue v. Ratliff*, 560 U.S.

1 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
2 whether the fees are subject to any offset allowed under the United States Department of the Treasury's
3 Offset Program. After the order for EAJA fees is entered, the government will determine whether they
4 are subject to any offset.

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

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

14 The parties hereby request that the court enter an order awarding the Plaintiff attorney
15 fees and expenses in the amount of \$4,700.00, which includes \$4,300.00 in fees and \$400.00 in
16 costs, in settlement of any and all claim he may have in the matter pursuant to EAJA.

17
18 DATE: 12/4/2018

/s/ Nancy K. McCombs
NANCY K. McCOMBS,
Plaintiff's Attorney

19
20
21 DATE: 12/4/2018

/s/ Jeffrey Chen
JEFFREY CHEN
Special Assistant United States Attorney
McGREGOR SCOTT
United States Attorney for the Eastern
District of California
DEBORAH LEE STACHEL
Regional Chief Counsel

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: December 20, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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