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9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

12 INNA SHAPIRO,) No. 2:17-cv-01465-AC
)
13 Plaintiff,) STIPULATION FOR THE AWARD AND
) PAYMENT OF ATTORNEY FEES AND
14 v.) EXPENSES PURSUANT TO THE EQUAL
) ACCESS TO JUSTICE ACT, 28 U.S.C. §
15 NANCY A. BERRYHILL,) 2412(d), AND COSTS PURSUANT TO
16 Acting Commissioner of Social Security,) 28 U.S.C. § 1920
)
17 Defendant.)
18)

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 in the
 22 amount of three thousand one hundred twelve dollars and nine cents (\$3,112.09) under the
 23 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C.
 24 § 1920. This amount represents compensation for all legal services rendered on behalf of
 25 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
 26 2412(d).

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 Jesse Kaplan. Pursuant to *Astrue v.*

1 *Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the
2 assignment will depend on whether the fees are subject to any offset allowed under the United
3 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
4 the government will determine whether they are subject to any offset.

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

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

14 This award is without prejudice to the rights of Jesse Kaplan to seek Social Security
15 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
16 EAJA.

17 Respectfully submitted,

18 Dated: December 28, 2018

19
20 By: /s/ Jesse Kaplan*
21 JESSE KAPLAN
22 * *By email authorization on 12/28/18*
23 Attorneys for Plaintiff

24 Dated: December 28, 2018

25 McGREGOR W. SCOTT
26 United States Attorney

27 By: /s/ Marcelo Illarmo
28 MARCELO ILLARMO
Special Assistant United States Attorney

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Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$3,112.09 as authorized by 28 U.S.C. § 2412, and costs in the amount of \$0.00 as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

DATED: January 2, 2019



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE