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22 Attorneys for Defendant

23 UNITED STATES DISTRICT COURT

24 EASTERN DISTRICT OF CALIFORNIA

25 MARC HORST RAULFS,) No. 2:17-cv-01805-DB
26)
27 Plaintiff,) STIPULATION FOR THE AWARD
28) AND PAYMENT OF ATTORNEY
v.) FEEES AND EXPENSES PURSUANT
) TO THE EQUAL ACCESS TO
ANDREW SAUL,) JUSTICE ACT, 28 U.S.C. § 2412(d),
Commissioner of Social Security,) AND COSTS PURSUANT TO
) 28 U.S.C. § 1920 AND ORDER
Defendant.)
)

1 IT IS HEREBY STIPULATED by and between the parties through their
2 undersigned counsel, subject to the approval of the Court, that Plaintiff be
3 awarded attorney fees and expenses in the amount of eight thousand six hundred
4 dollars (\$8,600.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C.
5 § 2412(d), and no costs under U.S.C. § 1920. This amount represents
6 compensation for all legal services rendered on behalf of Plaintiff by counsel in
7 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

8 After the Court issues an order for EAJA fees to Plaintiff, the government
9 will consider the matter of Plaintiff's assignment of EAJA fees to counsel.
10 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91
11 (2010), the ability to honor the assignment will depend on whether the fees are
12 subject to any offset allowed under the United States Department of the
13 Treasury's Offset Program. After the order for EAJA fees is entered, the
14 government will determine whether they are subject to any offset.

15 Fees shall be made payable to Plaintiff, but if the Department of the
16 Treasury determines that Plaintiff does not owe a federal debt, then the
17 government shall cause the payment of fees, expenses and costs to be made
18 directly to counsel, pursuant to the assignment executed by Plaintiff. Any
19 payments made shall be delivered to counsel.

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

26 This award is without prejudice to the rights of counsel and/or counsel's
27 firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject
28 to the savings clause provisions of the EAJA.

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Dated: August 21, 2011

Respectfully submitted,
By: /s/ Robert C. Weems*
ROBERT C. WEEMS
** By email authorization on August 19, 2019*
Attorneys for Plaintiff

Dated: August 21, 2011

McGREGOR W. SCOTT
United States Attorney

By: /s/ Carol S. Clark
CAROL S. CLARK
Special Assistant United States Attorney

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.¹

DATED: August 22, 2019

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

¹ In light of the parties' stipulation, plaintiff's June 19, 2019 motion for attorney's fees (ECF No. 29) is deemed withdrawn.