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19 UNITED STATES DISTRICT COURT
 20 FOR THE EASTERN DISTRICT OF CALIFORNIA
 21 SACRAMENTO DIVISION

22 CYNTHIA MARIE RUSSO,

23 Plaintiff,

24 v.

25 ANDREW SAUL,¹

Case No. 2:17-CV-01957-CKD

STIPULATION AND [~~PROPOSED~~]
 ORDER FOR THE AWARD OF
 ATTORNEY FEES UNDER THE EQUAL
 ACCESS TO JUSTICE ACT (EAJA)

27 _____
 28 ¹ Andrew Saul is now the Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court should substitute Andrew Saul for Acting Commissioner Nancy A.

1 Commissioner of Social Security,
2 Defendant.

28 U.S.C. § 2412(d)

3
4 TO THE HONORABLE EDMUND F. BRENNAN, MAGISTRATE JUDGE OF
5 THE UNITED STATES DISTRICT COURT:

6 The Parties through their undersigned counsel, subject to the Court's approval,
7 stipulate that Plaintiff be awarded attorney fees in the amount of THREE THOUSAND,
8 NINE HUNDRED SIXTY DOLLARS and 46/100 (\$3,960.46) under the Equal Access
9 to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
10 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil
11 action, in accordance with 28 U.S.C. § 2412(d).

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

19 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
20 determines that Plaintiff does not owe a federal debt, then the government shall cause
21 the payment of fees, expenses and costs to be made directly to counsel, pursuant to the
22 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's
23 counsel, Jonathan O. Peña.
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28 Berryhill as the Defendant in this suit. No further action needs to be taken to continue this suit by
reason of the last sentence of section 405(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 This stipulation constitutes a compromise settlement of Plaintiff's request for
2 EAJA fees, and does not constitute an admission of liability on the part of Defendant
3 under the EAJA. Payment of THREE THOUSAND, NINE HUNDRED SIXTY
4 DOLLARS and 46/100 (\$3,960.46) in EAJA attorney fees shall constitute a complete
5 release from, and bar to, any and all claims that Plaintiff and Plaintiff's attorney,
6 Jonathan O. Peña, may have relating to EAJA attorney fees in connection with this
7 action.

8 This award is without prejudice to the rights of Plaintiff's attorney to seek Social
9 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
10 provisions of the EAJA.
11

12 Respectfully submitted,

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14 Dated: June 11, 2019

/s/ Jonathan O. Peña

JONATHAN O. PEÑA
Attorney for Plaintiff

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17 Dated: June 12, 2019

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

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21 By: /s/ Ben A. Porter*

BEN A. PORTER
Special Assistant U.S. Attorney
Attorneys for Defendant
(*Permission to use electronic signature
obtained via email on 6/12/19).

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25 SO ORDERED.

26 DATED: June 13, 2019.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE