

1 **JESSE S. KAPLAN CSB# 103726**
2 **5441 Fair Oaks Bl. Ste. C-1**
3 **Carmichael, CA 95608**
4 **(916) 488-3030**
5 **(916) 489-9297 fax**

6 **Attorney for Plaintiff**
7 **J. GAMA o/b/o X.L.**

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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12 **-o00o-**

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14 **J. GAMA on behalf of X.L,**)

15)
16 **Plaintiff,**)

17 **v.**)

18 **Nancy Berryhill, Acting**)
19 **COMMISSIONER OF SOCIAL**)
20 **SECURITY,**)

21 **Defendant.**)
22 _____)

No. 2:17-CV-01969-MCE-DMC

STIPULATION AND
ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT [28 U.S.C.
§2412(d)]

23
24 **THE PARTIES STIPULATE** through the undersigned, subject to the approval of the
25 **Court, that plaintiff be awarded attorney fees in the amount of Three Thousand Seven hundred**
26 **Dollars (\$3,700.00) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and that there will**
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1 be no award of costs. This will represent compensation for all legal services rendered by counsel
2 for plaintiff in this civil action and in accordance with that statute.

3 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
4 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
5 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
6 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
7 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
8 plaintiff and will deliver the payment to said counsel.
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11 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
12 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
13 shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees
14 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
15 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
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18 Dated: May 22, 2019

/s/ Jesse S. Kaplan

JESSE S. KAPLAN
Attorney for Plaintiff

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22 Dated: May 22, 2019

/s/ per email authorization

BEATRICE NA
Special Assistant U.S. Attorney
Attorney for Defendant

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ORDER

GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation.

Plaintiff's motion for said fees is denied as moot. The Clerk of the Court is directed to terminate ECF No. 31 as a pending motion.

Dated: June 5, 2019



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE