

1 JOSEPHINE M. GERRARD (CBN 303221)
2 GERRARD LAW OFFICES
3 1791 SOLANO AVENUE, SUITE F01
4 BERKELEY, CALIFORNIA 94707
5 TEL: (510) 838-0529
6 FAX: (510) 280-1635
7 JO@GERRARDLAWOFFICES.COM
8 ATTORNEY FOR PLAINTIFF

9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 GAIL WILSON Plaintiff,

No. 2:17-cv-01976-DB

13 v.

AMENDED JOINT STIPULATION AND
ORDER FOR AWARD OF ATTORNEY'S
FEES PURSUANT TO EQUAL ACCESS
TO JUSTICE ACT
(28 U.S.C. § 2412(d))

14 NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant

15
16 IT IS HEREBY STIPULATED by and between the parties through their undersigned
17 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
18 amount of six thousand five hundred dollars (\$6,500.00) under the Equal Access to Justice Act
19 (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents
20 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
21 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).
22

23 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
24 the matter of Plaintiff's assignment of EAJA fees to Josephine M. Gerrard. Pursuant to *Astrue*
25 *v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the
26 assignment will depend on whether the fees are subject to any offset allowed under the United
27
28

1 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
2 the government will determine whether they are subject to any offset.

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

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

14 This award is without prejudice to the rights of Josephine M. Gerrard or Gerrard Law
15 Offices to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the
16 savings clause provisions of the EAJA.
17

18 Dated: March 4, 2019


19 /s/ Josephine M. Gerrard
20 JOSEPHINE M. GERRARD
21 Attorney for Plaintiff

22 /s/ Sundeep Patel (by email)
23 SUNDEEP PATEL
24 Attorney for Defendant
25
26
27
28

ORDER

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

Dated: March 6, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:6
DB\orders\orders.soc sec\wilson1976.stip.eaja.ord