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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**  
12 **SACRAMENTO DIVISION**

13 LARRY GENE PLUMMER, ) Case No.: 2:17-cv-02414-CKD  
14 Plaintiff, )  
15 vs. ) STIPULATION AND ORDER AWARDING  
16 ) ATTORNEY FEES UNDER THE  
17 ) EQUAL ACCESS TO JUSTICE ACT,  
18 ) 28 U.S.C. §§ 1920, 2412(d)  
19 )  
NANCY A. BERRYHILL, )  
Acting Commissioner of Social Security, )  
20 Defendant. )

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
22 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal  
23 Access to Justice Act (EAJA), 28 U.S.C. §§ 1920, 2412(d), in the amount of EIGHT  
24 THOUSAND DOLLARS AND 00 CENTS (\$8,000.00). Additionally, it is stipulated by and  
25 between parties, subject to approval of the Court, that Plaintiff be awarded costs in the amount of  
26 FOUR HUNDRED TWENTY-FIVE DOLLARS AND 29/CENTS (\$425.29) for the cost of his  
27 fees in this matter. This amount represents compensation for all legal services rendered on  
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1 behalf of Plaintiff by counsel in connection with this civil action in accordance with 28 U.S.C.  
2 §§ 1920, 2412(d).

3 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government  
4 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's  
5 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment  
6 will depend on whether the fees and expenses are subject to any offset allowed under the United  
7 States Department of the Treasury's Offset Program. After the order for EAJA fees and  
8 expenses is entered, the government will determine whether they are subject to any offset.

9 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
10 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees  
11 and expenses to be made directly to Ana L. Molleda, pursuant to the assignment executed by  
12 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

13 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
14 attorney fees and expenses, and does not constitute an admission of liability on the part of  
15 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release  
16 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to  
17 EAJA attorney fees and expenses in connection with this action.

18 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
19 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

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21  
22 Respectfully submitted,

23 Dated: August 7, 2018

/s/ Ana L. Molleda by Chantal R. Jenkins\*

Ana L. Molleda

\*As authorized via email by Ana L. Molleda  
on August 3, 2018

Attorney for Plaintiff

27 Dated: August 7, 2018

28 MCGREGOR W. SCOTT  
United States Attorney


1 DEBORAH LEE STACHEL  
2 Regional Chief Counsel, Region IX  
3 Social Security Administration

4 By: /s/ Chantal R. Jenkins  
5 CHANTAL R. JENKINS  
6 Special Assistant United States Attorney

7  
8 ORDER

9  
10 APPROVED AND SO ORDERED.

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12 Dated: August 8, 2018

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE  
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