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6 **Attorney for Plaintiff**
 7 **VYACHESLAV RUMYANTSEV**

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

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 14 **VYACHESLAV RUMYANTSEV,**)
 15)
 16 **Plaintiff,**)
 17)
 18 **v.**)
 19)
 20 **Andrew Saul**)
 21 **COMMISSIONER OF SOCIAL**)
 22 **SECURITY,**)
 23)
 24 **Defendant.**)
 25)

No. 2:17-CV-02539-EFB

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

26 THE PARTIES STIPULATE through the undersigned, subject to the approval of the
 27 Court, that plaintiff be awarded attorney fees in the amount of Four Thousand Two Hundred
 28 Fifty Dollars (\$4,250) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and that there

1 will be no award of costs. This will represent compensation for all legal services rendered by
2 counsel 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: July 18, 2018

/s/ Jesse S. Kaplan

JESSE S. KAPLAN
Attorney for Plaintiff

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20
21 Dated: July 18, 2018

/s/ per email authorization

TINA NAICKER
Special Assistant U.S. Attorney
Attorney for Defendant

1 **ORDER**

2 GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that
3 defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation.
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5 The Clerk of Court is directed to terminate ECF No. 32.

6 DATED: July 24, 2019.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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