

1 SHELLIE LOTT, SBN: 246202
2 Cerney Kreuze & Lott, LLP
3 42 N. Sutter Street, Suite 400
4 Stockton, California 95202
5 Telephone: (209) 948-9384
6 Facsimile: (209) 948-0706

7 Attorney for Plaintiff

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO DIVISION**

11 ELYSE MARIE MYERS,
12 Plaintiff,

13 vs.

14 NANCY A BERRYHILL,
15 Acting Commissioner of Social Security,
16 Defendant

Case No.: 2:17-cv-02582-KJN

**STIPULATION AND PROPOSED ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

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18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
20 EAJA in the amount of SIX-THOUSAND SEVEN-HUNDRED FIFTY dollars (\$6750.00). This
21 amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by
22 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.
23

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
25 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
26 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
27 assignment will depend on whether the fees and expenses are subject to any offset allowed under
28

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
2 and expenses is entered, the government will determine whether they are subject to any offset.
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the
5 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
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8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees and expenses, and does not constitute an admission of liability on the part of
10 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
11 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
12 EAJA attorney fees and expenses in connection with this action.
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14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
15 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
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18 Respectfully submitted,

19 Dated: April 17, 2019

/s/ Shellie Lott
SHELLIE LOTT
Attorney for Plaintiff

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McGREGOR W. SCOTT
United States Attorney
DEBORAH L. STACHEL
Regional Chief Counsel, Region IX

Date: April 17, 2019

/s/ Daniel Talbert
(As authorized via email on 4/4/19)
DANIEL TALBERT
Special Assistant United States Attorney

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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6 **SACRAMENTO DIVISION**

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8 ELYSE MARIE MYERS,
9 Plaintiff,

Case No.: 2:17-cv-02582-KJN

10 vs.

**ORDER RE STIPULATION FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**


11 NANCY A BERRYHILL,
12 Acting Commissioner of Social Security,

13 Defendant
14

15 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees
16 under EAJA, in the amount of SIX-THOUSAND SEVEN-HUNDRED FIFTY dollars
17 (\$6,750.00), are awarded to Plaintiff, subject to the terms of the stipulation.
18

19 IT IS SO ORDERED.

20 Dated: April 17, 2019

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23 KENDALL J. NEWMAN
24 UNITED STATES MAGISTRATE JUDGE
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