

1 McGREGOR W. SCOTT
 United States Attorney
 2 DEBORAH LEE STACHEL
 Regional Chief Counsel, Region IX
 3 Social Security Administration
 4 MARGARET BRANICK-ABILLA, CSBN 223600
 Special Assistant United States Attorney
 5 160 Spear Street, Suite 800
 San Francisco, California 94105
 6 Telephone: (415) 977-8929
 7 Facsimile: (415) 744-0134
 E-Mail: Margaret.Branick-Abilla@ssa.gov

8 Attorneys for Defendant

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

13 VERNON S. SEEVERS,

14 Plaintiff,

15 vs.

16 ANDREW SAUL,
 17 Commissioner of Social Security,¹

18 Defendant.

No. 2:18-cv-00208-DB

**STIPULATION AND ORDER FOR THE
 AWARD AND PAYMENT OF
 ATTORNEY FEES PURSUANT TO
 THE EQUAL ACCESS TO JUSTICE
 ACT, 28 U.S.C. § 2412(d), AND COSTS
 PURSUANT TO 28 U.S.C. § 1920**

27 ¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted in
 28 this action pursuant to Fed. R. Civ. P. 25(d). See also 42 U.S.C. § 405(g) (action survives
 regardless of any change in the person occupying the office of Commissioner of Social Security).

1 IT IS HEREBY STIPULATED, by and between the parties through their undersigned
2 counsel, subject to the approval of the Court, that plaintiff Vernon S. Seevers (Plaintiff) be
3 awarded attorney fees in the amount of EIGHT THOUSAND DOLLARS AND ZERO CENTS
4 (\$8,00.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the
5 amount of FOUR HUNDERD DOLLARS AND ZERO CENTS (\$400.00) under 28 U.S.C.
6 § 1920. This amount represents compensation for all legal services rendered on behalf of
7 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920,
8 2412(d).

9 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
10 the matter of Plaintiff's assignment of EAJA fees to counsel Jared T. Walker. Pursuant to *Astrue*
11 *v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether
12 the fees are subject to any offset allowed under the United States Department of the Treasury's
13 Offset Program. After the order for EAJA fees is entered, the government will determine
14 whether they are subject to any offset.

15 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
16 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
17 be made directly to counsel Jared T. Walker, pursuant to the authorization executed by Plaintiff.
18 Any payments made shall be delivered to counsel.

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
20 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
21 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
22 bar to, any and all claims that Plaintiff and/or counsel, including but not limited to Jared T.
23 Walker, may have relating to EAJA attorney fees in connection with this action.

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1 This award is without prejudice to the rights of counsel to seek Social Security Act
2 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

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4 Respectfully submitted,

5 Dated: October 25, 2019

LAW OFFICE OF JARED T. WALKER, PC

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7 By: /s/ Jared T. Walker*

JARED T. WALKER

Attorneys for Plaintiff

[*As authorized by e-mail on Oct. 25, 2019]

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9
10 Dated: October 25, 2019

McGREGOR W. SCOTT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

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15 By: /s/ Margaret Branick-Abilla

MARGARET BRANICK-ABILLA

Special Assistant United States Attorney

Attorneys for Defendant

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19 **ORDER**

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

22 DATED: November 1, 2019

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE