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9 Attorneys for Defendant

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

13 JORDAN MARK SAMFORD HASTIE,)
14 Plaintiff,)
15 vs.)
16 ANDREW SAUL,)
17 Commissioner of Social Security,¹)
18 Defendant.)
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Case No. 2:18-cv-00898-CKD

**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)**

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28 ¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted in this action pursuant to Fed. R. Civ. P. 25(d). See 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 be awarded attorney fees in the
3 amount of SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$7,000.00) under the Equal
4 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
5 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
6 accordance with 28 U.S.C. §§ 1920, 2412(d).

7 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
8 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560
9 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the fees are
10 subject to any offset allowed under the United States Department of the Treasury's Offset
11 Program. After the order for EAJA fees is entered, the government will determine whether they
12 are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
14 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
15 be made directly to Osterhout Berger Disability Law, pursuant to the assignment executed by
16 Plaintiff. Any payments made shall be delivered to counsel.

17 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
18 attorney fees and does not constitute an admission of liability on the part of Defendant under the
19 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
20 bar to, any and all claims that Plaintiff and/or counsel including but not limited to Osterhout
21 Berger Disability Law 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 10, 2019

OSTERHOUT BERGER DISABILITY LAW LLC

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7 By: /s/ Lindsay F. Osterhout*

Lindsay F. Osterhout

Attorneys for Plaintiff

[*As authorized by e-mail on Oct. 10, 2019]

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10 Dated: October 11, 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

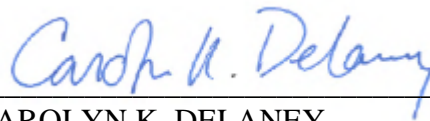
Special Assistant United States Attorney

Attorneys for Defendant

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18 **ORDER**

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20 Pursuant to stipulation, IT IS SO ORDERED.

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22 Dated: October 11, 2019



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24 CAROLYN K. DELANEY

UNITED STATES MAGISTRATE JUDGE

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