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Attorneys for Defendant

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

JORDAN MARK SAMFORD HASTIE,  
Plaintiff,  
vs.  
ANDREW SAUL,  
Commissioner of Social Security,<sup>1</sup>  
Defendant.  
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)**

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

Respectfully submitted,

Dated: October 10, 2019

## OSTERHOUT BERGER DISABILITY LAW LLC

By: /s/ Lindsay F. Osterhout\*

Lindsay F. Osterhout

Atorneys for Plaintiff

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

Dated: October 11, 2019

McGREGOR W. SCOTT

## United States Attorney

## DEBORAH LEE STACHEL

## Regional Chief Counsel, Region IX

## Social Security Administration

By: /s/ Margaret Branick-Abilla

MARGARET BRANICK-ABILLA

### Special Assistant United States Attorney

Atorneys for Defendant

## ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: October 11, 2019

Carol K. Delaney

CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE