1	SHELLIE LOTT, SBN: 246202 Cerney Kreuze & Lott, LLP 42 N. Sutter Street, Suite 400 Stockton, California 95202 Talenhange (200) 048-0284		
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4	Telephone: (209) 948-9384 Facsimile: (209) 948-0706		
5	Attorney for Plaintiff		
6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
8	SACRAMENTO DIVISION		
9			
10	ALLEN M. QUIGLEY,	Case No.: 2:18-cv-00938-CKD	
11	Plaintiff,		
12	vs.	STIPULATION AND ORDER FOR THE	
13		AWARD OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS	
14	ANDREW SAUL, Commissioner of Social Security,	TO JUSTICE ACT, 28 U.S.C. § 2412(d)	
15			
16	Defendant		
17			
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 TWO-THOUSAND ONE-HUNDRED TWENTY-FIVE dollars		
21			
22	(\$2,125.00). This amount represents compensation for all legal services rendered on behalf of		
23	Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §		
24	2412.		
25	After the Court issues an order for EAJA fees and expenses to Plaintiff, the government		
26	will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's		
27		-	

attorney. Pursuant to <u>Astrue v. Ratliff</u>, 130 S.Ct. 2521 (2010), the ability to honor the

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assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

Respectfully submitted,

Attorney for Plaintiff

McGREGOR W. SCOTT

United States Attorney DEBORAH L. STACHEL

<u>/s/ Shellie Lott</u> SHELLIE LOTT

Dated: October 31, 2019

Date: October 31, 2019

<u>/s/Annabelle J. Yang</u> (As authorized via email on 10/29/19) ANNABELLE J. YANG Special Assistant United States Attorney

Regional Chief Counsel, Region IX

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5	UNITED STATES DISTRICT COURT		
6	EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION		
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8			
9	ALLEN M. QUIGLEY,	Case No.: 2:18-cv-00938-CKD	
10	Plaintiff,		
11	vs.	ORDER RE STIPULATION FOR THE AWARD OF ATTORNEY FEES	
12	ANDREW SAUL,	PURSUANT TO THE EQUAL ACCESS	
13	Commissioner of Social Security,	TO JUSTICE ACT, 28 U.S.C. § 2412(d)	
14	Defendant		
15			
16	Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees		
17	under EAJA, in the amount of TWO-THOUSAND ONE-HUNDRED TWENTY-FIVE dollars (\$2,125.00), are awarded to Plaintiff, subject to the terms of the stipulation.		
18			
19			
20	IT IS SO ORDERED.		
21	Dated: October 31, 2019	Caroh U. Delany	
22		CAROLYN K. DELANEY	
23		UNITED STATES MAGISTRATE JUDGE	
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