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6 **Attorney for Plaintiff**
7 **CLIFFORD TRUMP**

8
9 **UNITED STATES DISTRICT COURT**
10
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12 **-o000o-**

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14 **CLIFFORD TRUMP,**)

15)
16 **Plaintiff,**)

17 **v.**)

18 **Andrew Saul,**)
19 **COMMISSIONER OF SOCIAL**)
20 **SECURITY,**)

21 **Defendant.**)
22 _____)

No. 2:18-cv-01610-DMC

STIPULATION AND
ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT [28 U.S.C.
§2412(d)]

23
24 THE PARTIES STIPULATE through the undersigned, subject to the approval of the
25 Court, that plaintiff be awarded attorney fees in the amount of Two Thousand Nine Hundred
26 Twelve Dollars and Ninety-Five Cents (\$2,912.95 under the *Equal Access to Justice Act*, 28
27 U.S.C. §2412(d) and that there will be no award of costs. This will represent compensation for
28

1 all legal services rendered by counsel for plaintiff in this civil action and in accordance with that
2 statute.

3 Upon the Court's order, defendant will consider the assignment of those *EAJA* fees
4 pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), considering any offsets allowed
5 under the United States Department of Treasury's Offset Program. Fees shall be made payable to
6 plaintiff, but if the Treasury Department determines plaintiff owes no federal debt, then the
7 government shall pay the fees directly to Jesse S. Kaplan based on an assignment executed by
8 plaintiff and will deliver the payment to said counsel.
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11 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
12 and not an admission of liability of defendant under the *EAJA*. Payment of this agreed amount
13 shall constitute a complete release and bar of plaintiff and her counsel regarding *EAJA* fees
14 relating to this action. This award is without prejudice to plaintiff's counsel's right to fees under
15 42 U.S.C. §406(b), subject to the savings clause provisions of the *EAJA*.
16
17

18 Dated: October 3, 2019

/s/ Jesse S. Kaplan

JESSE S. KAPLAN
Attorney for Plaintiff

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21 Dated: October 3, 2019

/s/ per email authorization

BEN A. PORTER
Special Assistant U.S. Attorney
Attorney for Defendant

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ORDER

GOOD CAUSE APPEARING from the foregoing stipulation, IT IS ORDERED that defendant pay plaintiff's attorney fees pursuant to the *EAJA* in accordance with this stipulation.

Plaintiff's previously filed motion for fees (ECF No. 29) is denied as moot.

Dated: October 4, 2019



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE