

1 McGREGOR W. SCOTT
 2 United States Attorney
 3 DEBORAH LEE STACHEL
 4 Regional Chief Counsel, Region IX
 5 Social Security Administration
 6 CHANTAL R. JENKINS, PA SBN 307531
 7 Special Assistant United States Attorney
 8 160 Spear Street, Suite 800
 9 San Francisco, California 94105
 10 Telephone: (415) 977-8931
 11 Facsimile: (415) 744-0134
 12 E-Mail: Chantal.Jenkins@ssa.gov

9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

14 STEPHANIE GAIL BOISCLAIRE,)	No. 2:18-cv-01748-DB
)	
15 Plaintiff,)	STIPULATION AND ORDER AWARDING
)	ATTORNEY FEES UNDER THE
16 vs.)	EQUAL ACCESS TO JUSTICE ACT,
17 ANDREW SAUL ¹ ,)	28 U.S.C. § 2412(d)
18 Commissioner of Social Security,)	
)	
19 Defendant.)	

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21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 22 counsel, subject to the Court’s approval, that Plaintiff Stephanie Gail Boisclair be awarded
 23 attorney fees in the amount of SIX THOUSAND DOLLARS AND 00 CENTS (\$6,000.00) under
 24 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents

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27 ¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a
 28 party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42
 USC 405(g) (action survives regardless of any change in the person occupying the office of
 Commissioner of Social Security).

1 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
2 this civil action in accordance with 28 U.S.C. § 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
4 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v.*
5 *Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the
6 assignment will depend on whether the fees are subject to any offset allowed under the United
7 States Department of the Treasury's Offset Program. After the order for EAJA fees is entered,
8 the government will determine whether they are subject to any offset.

9 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
10 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
11 be made directly to Plaintiff's counsel, pursuant to the assignment executed by Plaintiff. Any
12 payments made shall be delivered to Plaintiff's counsel.

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

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

20
21 Respectfully submitted,

22 Dated: December 17, 2019

/s/ Stuart T. Barasch by Chantal R. Jenkins*

STUART T. BARASCH

As authorized via email on December 17, 2019

Attorney for Plaintiff

23
24
25
26 Dated: December 17, 2019

MCGREGOR W. SCOTT

United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

By: /s/ Chantal R. Jenkins
CHANTAL R. JENKINS
Special Assistant United States Attorney

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.²

DATED: December 12, 2019

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

² In light of the parties' stipulation and this order, plaintiff's November 26, 2019 motion for attorney's fees (ECF No. 19) is denied as having been rendered moot.