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 3 42 N. Sutter Street, Suite 400
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6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**
 9 **SACRAMENTO BRANCH**

10 SHIRLEY ANN GUTIERRIEZ,
 11 Plaintiff,

Case No.: 2:19-cv-00359-CKD

12 vs.

**STIPULATION AND PROPOSED ORDER
 FOR THE AWARD OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS
 TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

14 ANDREW SAUL,
 Commissioner of Social Security,
 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 SEVEN-HUNDRED FIFTY dollars and THIRTY-
 21 SIX cents (\$2,750.36). This amount represents compensation for all legal services rendered on
 22 behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28
 23 U.S.C. § 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 Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
 28

1 assignment will depend on whether the fees and expenses are subject to any offset allowed under
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
3 and expenses is entered, the government will determine whether they are subject to any offset.
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
8

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

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
17

18
19 Respectfully submitted,

20 Dated: November 17, 2020

/s/ Shellie Lott

SHELLIE LOTT
Attorney for Plaintiff

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23 McGREGOR W. SCOTT
United States Attorney
24 DEBORAH L. STACHEL
Regional Chief Counsel, Region IX
25

26 Date: November 17, 2020

/s/ Donna W. Anderson

(As authorized via email on 11/12/20)
By Sathya Oum for Donna W. Anderson
Special Assistant United States Attorney
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EQUAL ACCESS TO JUSTICE ACT, 28
U.S.C. § 2412(d)**

14 ANDREW SAUL,
15 Acting Commissioner of Social Security,
16 Defendant

17
18 Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees
19 under EAJA, in the amount of TWO-THOUSAND SEVEN-HUNDRED FIFTY dollars and
20 THIRTY-SIX cents (\$2,750.36), are awarded to Plaintiff, subject to the terms of the stipulation.
21

22 IT IS SO ORDERED.

23 Dated: November 17, 2020 November 17, 2020



24 CAROLYN K. DELANEY
25 UNITED STATES MAGISTRATE JUDGE