

SHELLIE LOTT, SBN: 246202
Cerney Kreuze & Lott, LLP
42 N. Sutter Street, Suite 400
Stockton, California 95202
Telephone: (209) 948-9384
Facsimile: (209) 948-0706

Attorney for Plaintiff

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

DERECK S. LEE,

Plaintiff,

vs.

ANDREW SAUL,

Commissioner of Social Security,

Defendant

No. 2:19-cv-0603 DB

**STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d),
AND COSTS PURSUANT TO 28 U.S.C. §
1920**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the amount of SEVEN-THOUSAND TWO-HUNDRED SIXTY-EIGHT dollars (\$7,268.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and FOUR-HUNDRED dollars (\$400.00) in costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's

1 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
2 assignment will depend on whether the fees and expenses are subject to any offset allowed under
3 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
4 and expenses is entered, the government will determine whether they are subject to any offset.
5 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause the
7 payment of fees, expenses and costs to be made directly to Shellie Lott, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
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11 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
12 attorney fees and expenses, and does not constitute an admission of liability on the part of
13 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
14 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
15 EAJA attorney fees and expenses in connection with this action.
16

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

20 Respectfully submitted,

21 Dated: December 18, 2020

/s/ Shellie Lott

SHELLIE LOTT

Attorney for Plaintiff

22
23 MCGREGOR W. SCOTT

United States Attorney

24 DEBORAH L. STACHEL

25 Regional Chief Counsel, Region IX

26 Dated: December 18, 2020

/s/ Ellinor Coder

(As authorized via email on 12/18/20)

27 ELLINOR R. CODER

28 Special Assistant United States Attorney

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ORDER

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

DATED: January 6, 2021

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE