

1 PHILLIP A. TALBERT
 Acting United States Attorney
 2 DEBORAH LEE STACHEL
 Regional Chief Counsel, Region IX
 3 Social Security Administration
 4 MARCELO ILLARMO (MABN 670079)
 Special Assistant United States Attorney
 5 160 Spear Street, Suite 800
 San Francisco, California 94105
 6 Telephone: (510) 970-4822
 7 Facsimile: (415) 744-0134
 E-Mail: Marcelo.Illarmo@ssa.gov
 8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

| | | | |
|----|----------------------------------|---|---|
| 12 | HOANG TRONG LE, |) | No. 2:19-cv-00751-DMC |
| 13 | Plaintiff, |) | |
| 14 | v. |) | STIPULATION FOR THE AWARD AND |
| 15 | |) | PAYMENT OF ATTORNEY FEES AND |
| 16 | KILOLO KIJAKAZI, ¹ |) | EXPENSES PURSUANT TO THE EQUAL |
| 17 | Commissioner of Social Security, |) | ACCESS TO JUSTICE ACT, 28 U.S.C. § |
| 18 | Defendant. |) | 2412(d), AND COSTS PURSUANT TO |
| | |) | 28 U.S.C. § 1920 |

19
 20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
 22 amount of six thousand twenty two dollars and forty five cents (\$6,022.45) under the Equal
 23 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This
 24
 25

26
 27 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
 28 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,
 therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to
 continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
 U.S.C. § 405(g).

1 amount represents compensation for all legal services rendered on behalf of Plaintiff by
2 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 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 Jesse Kaplan. 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
10 determines that Plaintiff does not owe a federal debt, then the government shall cause the
11 payment of fees, expenses and costs to be made directly to Jesse Kaplan, pursuant to the
12 assignment executed by Plaintiff. Any payments made shall be delivered to Jesse Kaplan.

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
15 the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release
16 from, and bar to, any and all claims that Plaintiff and/or Jesse Kaplan, including his firm, may
17 have relating to EAJA attorney fees in connection with this action.

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

Respectfully submitted,

Dated: July 13, 2021

By: /s/ Jesse Kaplan*
JESSE KAPLAN
* By email authorization on 7/7/21
Attorneys for Plaintiff

Dated: July 13, 2021

PHILLIP A. TALBERT
Acting United States Attorney

By: /s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$ 6,022.45 as authorized by 28 U.S.C. § 2412, and costs in the amount of \$0.00 as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Dated: July 19, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE