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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

12 GLENN A. WESTFALL,) No. 2:19-cv-00957-DB
)
 13 Plaintiff)
)
 14 v.)
)
 15 ANDREW M. SAUL,)
 16 Commissioner of Social Security,)
)
 17 Defendant)
)
 18)

**STIPULATION AND
 ORDER FOR AWARD OF ATTORNEY'S
 FEES UNDER THE EQUAL ACCESS TO
 JUSTICE ACT (EAJA)**

19 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 20 subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal
 21 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of eight thousand dollars and
 22 zero cents (\$8,000.00); and no costs under 28 U.S.C. § 1920. This amount represents compensation
 23 for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 24 accordance with 28 U.S.C. §§ 1920; 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
 26 matter of Plaintiff's assignment of EAJA fees to his counsel, Jared Walker. Pursuant to *Astrue v.*
 27 *Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment
 28 will depend on whether the fees are subject to any offset allowed under the United States Department

1 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
2 determine whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
4 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
5 and costs to be made directly to Jared Walker, pursuant to the assignment executed by Plaintiff. Any
6 payments made shall be delivered to Jared Walker.

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

12 This award is without prejudice to the rights of Jared Walker to seek Social Security Act
13 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA .

14 Respectfully submitted,

15 Dated: December 29, 2020

16 By: /s/ Jared Walker*
17 JARED WALKER
18 * By email authorization on 12/28/20
19 Attorney for Plaintiff

20 Dated: December 29, 2020

21 MCGREGOR W. SCOTT
22 United States Attorney

23 By: /s/ Marcelo Illarmo
24 MARCELO ILLARMO
25 Special Assistant United States Attorney
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1 **ORDER**

2 Pursuant to the parties' stipulation, IT IS SO ORDERED. It is also ordered that the December
3 15, 2020 motion for attorney's fees (ECF No. 19) is denied as having been rendered moot.

4 DATED: FEBRUARY 12, 2021 /s/ DEBORAH BARNES
5 UNITED STATES MAGISTRATE JUDGE

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