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 Attorney for Plaintiff, Bonnie Jean Duarte

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

BONNIE JEAN DUARTE,

Case No. 2:19-cv-01019-AC

Plaintiff,

**STIPULATION FOR THE AWARD  
 AND PAYMENT OF ATTORNEY  
 FEES AND EXPENSES PURSUANT  
 TO THE EQUAL ACCESS TO  
 JUSTICE ACT; [~~PROPOSED~~] ORDER**

v.

ANDREW SAUL, Commissioner of  
 Social Security,

Defendant.

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 and expenses in the amount of FIVE THOUSAND SEVEN HUNDRED SEVENTY-THREE DOLLARS and 18/100 (\$5,773.18), under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability

1 to honor the assignment will depend on whether the fees are subject to any offset  
2 allowed under the United States Department of the Treasury's Offset Program. After  
3 the order for EAJA fees is entered, the government will determine whether they are  
4 subject to any offset.

5 Fees 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  
7 the payment of fees, expenses and costs to be made directly to Counsel, pursuant to  
8 the assignment executed by Plaintiff. Any payments made shall be delivered to  
9 Plaintiff's counsel, Jonathan O. Peña.

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

16 This award is without prejudice to the rights of Counsel and/or Counsel's firm  
17 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
18 savings clause provisions of the EAJA.

19 Respectfully submitted,

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21 Dated: October 12, 2020

/s/ Jonathan O. Peña  
22 JONATHAN O. PEÑA  
23 Attorney for Plaintiff

24 Dated: November 16, 2020

25 MCGREGOR W. SCOTT  
26 United States Attorney  
27 DEBORAH LEE STACHEL  
28 Regional Chief Counsel, Region IX  
Social Security Administration

By: \* Ellinor R. Coder

Ellinor R. Coder

Special Assistant U.S. Attorney

Attorneys for Defendant

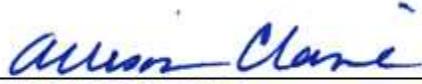
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obtained via email on November 16, 2020).

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**[PROPOSED] ORDER**

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2 Based upon the parties' Stipulation for the Award and Payment of Equal Access  
3 to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the  
4 amount of \$5,773.18 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms  
5 of the Stipulation.  
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7 DATED: November 17, 2020

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE  
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