

1 MELISSA NYMAN (CA 293207)  
 2 3009 Douglas Boulevard, Ste. 200  
 3 Roseville, CA 95661  
 4 Phone: (877) 529-4773  
 Fax: (916) 218-4341  
 Email: Melissa Nyman@NymanTurkish.com

5 IN THE UNITED STATES DISTRICT COURT  
 6 FOR THE EASTERN DISTRICT OF CALIFORNIA

7 ROCIO WENTZ,

8 Plaintiff,

9 vs.

10 COMMISSIONER OF SOCIAL SECURITY,

11 Defendant

Case No.: 2:19-cv-01531-AC

**JOINT STIPULATION AND ORDER FOR  
 AN AWARD OF ATTORNEY FEES  
 UNDER THE EQUAL ACCESS TO  
 JUSTICE ACT**

12  
 13  
 14 Plaintiff, Rocio Wentz, by Melissa Nyman, her undersigned attorney and Defendant,  
 15 Andrew Saul, Commissioner of Social Security, by and through his undersigned attorney,  
 16 McGregor W. Scott, United States Attorney, jointly stipulate and petition this Court to enter an  
 17 order awarding attorney fees and expenses in the total amount of \$4951.53, in full satisfaction  
 18 and settlement of any and all claims Plaintiff may have under the Equal Access to Justice Act  
 19 (“EAJA”), 28 U.S.C § 2412. The award of attorney fees will satisfy all of Plaintiff’s claims  
 20 under 28 U.S.C. § 2412 in this case. The parties further agree that Plaintiff is entitled to \$400.00  
 21 in costs, to be paid from the Department of the Treasury’s Judgment Fund.  
 22

23 Any fees paid belong to Plaintiff, and not to her attorney, and may be offset to satisfy any  
 24 pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586  
 25 (2010). After the Court enters this award, if counsel for the Defendant can verify that Plaintiff  
 26

27  
 28 JOINT STIPULATION AND ORDER FOR AN AWARD OF ATTORNEY FEES UNDER THE EQUAL  
 ACCESS TO JUSTICE ACT – CASE NO. 19-01531

1 owes no pre-existing debt subject to the offset, Defendant will direct that the award be made  
2 payable to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff and  
3 counsel.  
4

5 Wherefore, Plaintiff and Defendant move the Court to accept this joint stipulation and  
6 enter an order awarding Plaintiff EAJA fees in the amount of \$4951.53 and costs in the amount  
7 of \$400.

8 Dated: October 7, 2020

9  
10 Respectfully submitted,

11 McGREGOR W. SCOTT  
12 United States Attorney

13 /s/ Melissa Nyman

14 Melissa Nyman  
15 Attorney for Plaintiff  
16 Nyman Turkish PC  
17 3009 Douglas Boulevard  
18 Suite 200  
19 Roseville, CA 95661  
20 Phone: (877) 529-4773  
21 e-mail: Melissa.Nyman @  
22 NymanTurkish.com

23 /s/ Daniel P. Talbert \*

24 Daniel P. Talbert  
25 Special Assistant United States Attorney  
26 Attorneys for Defendant  
27 Office of the General Counsel, Region IX  
28 Social Security Administration  
160 Spear Street, Ste. 800  
San Francisco, CA 94105  
Phone: (415) 977-8995  
Email: Daniel.Talbert@ssa.gov

[\*As authorized by email on October 6, 2020]

1  
2 **ORDER**

3 Pursuant to stipulation, IT IS SO ORDERED.  
4

5 Dated: October 14, 2020

6   
7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

28 JOINT STIPULATION AND ORDER FOR AN AWARD OF ATTORNEY FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT – CASE NO. 19-01531