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8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**
 11 **SACRAMENTO DIVISION**

13 MALLORY FACEY,)	Case No. 2:19-cv-01596-DMC
)	
14 Plaintiff,)	STIPULATION AND ORDER FOR THE
)	AWARD AND PAYMENT OF
15 vs.)	ATTORNEY FEES PURSUANT TO THE
)	EQUAL ACCESS TO JUSTICE ACT, 28
16 ANDREW SAUL,)	U.S.C. § 2412(d)
17 Commissioner of Social Security,)	
)	
18 Defendant.)	

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20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 21 counsel, subject to the approval of the Court, that Plaintiff Mallory Facey (Plaintiff) be awarded
 22 attorney fees in the amount of EIGHT THOUSAND DOLLARS AND ZERO CENTS
 23 (\$8,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount
 24 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 25 connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

26 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 27 the matter of Plaintiff's assignment of EAJA fees to counsel Shellie Lott. Pursuant to *Astrue v.*
 28 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the

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

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
6 be made directly to counsel Shellie Lott, pursuant to the assignment executed by Plaintiff. Any
7 payments made shall be delivered to counsel Shellie Lott.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
10 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
11 bar to, any and all claims that Plaintiff and/or counsel, including but not limited to Shellie Lott
12 and Cerney Kreuze & Lott, LLP, may have relating to EAJA attorney fees in connection with
13 this action.

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

16 Respectfully submitted,

17 Dated: June 25, 2021

CERNEY KREUZE & LOTT, LLP

18
19 By: /s/ Shellie Lott*

SHELLIE LOTT

Attorneys for Plaintiff

[*As authorized by e-mail on Jun. 25, 2021]

20
21 Dated: July 19, 2021

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

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24
25 By: /s/ Margaret Branick-Abilla

MARGARET BRANICK-ABILLA

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated: July 19, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

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