

1 PHILLIP A. TALBERT
 United States Attorney
 2 MATHEW W. PILE
 Associate General Counsel
 3 Office of Program Litigation, Office 7
 Office of the General Counsel
 4 Social Security Administration
 5 MARGARET BRANICK-ABILLA
 Special Assistant United States Attorney
 6 6401 Security Boulevard
 7 Baltimore, MD 21235
 Telephone: (510) 570-4809
 8 Email: Margaret.Branick-Abilla@ssa.gov
 Attorneys for Defendant
 9

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 PAUL BRIAN GIFFORD,)	Case No. 2:22-cv-02093-CKD
)	
13 Plaintiff,)	STIPULATION AND ORDER FOR THE
)	AWARD AND PAYMENT OF
14 vs.)	ATTORNEY FEES PURSUANT TO THE
)	EQUAL ACCESS TO JUSTICE ACT, 28
15 COMMISSIONER OF SOCIAL SECURITY,)	U.S.C. § 2412(d)
)	
17 Defendant.)	
)	
)	
)	
)	
)	

20
 21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount
 23 of FOURTEEN THOUSAND, ONE HUNDRED AND SIXTY-SIX DOLLARS AND ZERO
 24 CENTS (\$14,166.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This
 25 amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 26 connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
 28 matter of Plaintiff's assignment of EAJA fees to counsel Robert C. Weems (Counsel). Pursuant to

1 *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on
2 whether the fees are subject to any offset allowed under the United States Department of the
3 Treasury's Offset Program. After the order for EAJA fees is entered, the government will
4 determine whether they are subject to any offset.

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

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees, and does not constitute an admission of liability on the part of Defendant under the
11 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
12 bar to, any and all claims that Plaintiff and/or Counsel, including Counsel's law firm and
13 associates, may have relating to EAJA attorney fees in connection with 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: May 6, 2024

WEEMS LAW OFFICES

18
19 By: /s/ Robert C. Weems*

ROBERT C. WEEMS

Attorneys for Plaintiff

[*As authorized by e-mail on May 6, 2024]

20
21
22 Dated: May 7, 2024

PHILLIP A. TALBERT

United States Attorney

23
24 By: /s/ Margaret Branick-Abilla

MARGARET BRANICK-ABILLA

Special Assistant United States Attorney

Attorneys for Defendant
25
26
27
28

ORDER


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pursuant to stipulation,

1. The stipulation at ECF No. 32 is GRANTED; and
2. Plaintiff's motion for EAJA fees (ECF No. 29) is DENIED as moot.

SO ORDERED.

Dated: May 7, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE