

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

-----x
MARIA MERCADO,

Dkt#: 2:22-CV-02155-AC

Plaintiff,

- against -

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.
-----x

IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that the parties have come to a resolution of an Equal Access to Justice Act (“EAJA”) fee amount.

IT IS FURTHER STIPULATED that Plaintiff shall be awarded Eight Thousand Seven Hundred Fifty and Zero Cents (\$8,750.00) in attorney fees, under EAJA 28 U.S.C. § 2412(d), in full satisfaction of any claims for fees and expenses pursuant to EAJA. 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).

The Court should award payment of the EAJA fees directly to Plaintiff, and the payment should be sent in care of Plaintiff’s counsel. See Astrue v Ratliff, 130 S.Ct. 2521, 2524-2529 (2010). After the Court approves the stipulated amount of attorney fees to Plaintiff, the Commissioner will determine whether Plaintiff has any outstanding federal debt to be offset from the attorney fees. If Plaintiff has no outstanding federal debt, the Commissioner will honor Plaintiff’s assignment of attorney fees to counsel and make the check payable to Plaintiff’s counsel. However, if Plaintiff has outstanding federal debt, the amount of attorney fees payable to Plaintiff will be the balance of stipulated attorney fees remaining after subtracting the amount of

Plaintiff's outstanding federal debt. If Plaintiff's outstanding federal debt exceeds the amount of attorney fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney fees shall be paid. **Any payment issued by check should be mailed to Konoski & Partners, P.C., 180 Tices Lane, Suite 204, Building A, East Brunswick, NJ 08816.**

This stipulation constitutes a compromise settlement of Plaintiff's request for attorney fees under the EAJA and does not constitute an admission of liability on the part of the Commissioner under the EAJA. Payment of the aforementioned attorney fees shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to attorney fees under the EAJA in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Dated: June 3, 2024

Respectfully Submitted:
/s/ Bryan Konoski
BRYAN KONOSKI, ESQ.
KONOSKI & PARTNERS, P.C.
Pro Hac Vice Attorney(s) for the Plaintiff
305 Broadway, 7th Floor
New York, NY 10007
(212) 897-5832

Dated: June 3, 2024

Respectfully Submitted:
/s/ Oscar Gonzalez de Llano
Oscar Gonzalez de Llano
Social Security Administration
Office of the General Counsel
6401 Security Boulevard
Baltimore, MD 21235
510-970-4818
Email: Oscar.Gonzalez@ssa.gov

SO ORDERED:

Dated: June 4, 2024


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE