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9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 ROSIE HERBERT WILLIS *on behalf of*)
 12 K.W.,)
 13 Plaintiff,)
 14 vs.)
 15 COMMISSIONER OF SOCIAL SECURITY,)
 16 Defendant.)
 17

Case No.: 2:23-cv-1341-DMC
 STIPULATION FOR THE AWARD AND
 PAYMENT OF ATTORNEY FEES AND
 EXPENSES PURSUANT TO THE EQUAL
 ACCESS TO JUSTICE ACT, 28 U.S.C.
 § 2412(d), AND COSTS PURSUANT TO 28
 U.S.C. § 1920; ORDER

18
 19 Plaintiff seeks an award of attorney fees under the (EAJA), 28 U.S.C. § 2412 et seq.
 20 After Plaintiff filed the present motion, the parties engaged in good faith negotiations. IT IS
 21 HEREBY STIPULATED by and between the parties through their undersigned counsel, subject
 22 to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount
 23 \$8,350.00 (EIGHT THOUSAND, THREE HUNDRED AND FIFTY dollars) under the Equal
 24 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
 25 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 26 accordance with 28 U.S.C. §§ 1920; 2412(d).

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 28 the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*,

1 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment
2 will depend on whether the fees are subject to any offset allowed under the United States
3 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
4 government will 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,
7 expenses and costs to be made directly to counsel, pursuant to the assignment executed by
8 Plaintiff. Any payments 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 firm may have relating
13 to EAJA attorney fees or costs in connection with this action.

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

17 Respectfully submitted,

18 Date: November 20, 2024

/s/ Jesse Kaplan*
JESSE KAPLAN
(* as authorized by email)
Attorney for Plaintiff

21 Date: November 20, 2024

22 PHILLIP A. TALBERT
23 United States Attorney
24 MATHEW W. PILE
Associate General Counsel
Social Security Administration

25 /s/ Michelle A. Pavelek
26 MICHELLE A. PAVELEK
27 Special Assistant United States Attorney
28 Social Security Administration
Attorney for Defendant

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount of \$8,350.00 as authorized by 28 U.S.C. § 2412, and costs in the amount of \$0.00 as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Dated: November 21, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

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