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7 Attorney for Plaintiff  
 8 TIMOTHY WARREN ROSSOW

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

12 TIMOTHY WARREN ROSSOW,  
 13 Plaintiff,  
 14 v.  
 15 MARTIN J. O'MALLEY,  
 16 Commissioner of Social Security,  
 17 Defendant.

Case No. 2:24-cv-01597-DMC

STIPULATION FOR THE AWARD AND  
 PAYMENT OF ATTORNEY FEES AND  
 EXPENSES PURSUANT TO THE  
 EQUAL ACCESS TO JUSTICE ACT;  
 ORDER

18 IT IS HEREBY STIPULATED by and between the parties through their  
 19 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
 20 attorney fees and expenses in the amount of \$5,106.24, under the Equal Access to  
 21 Justice Act (EAJA), 28 U.S.C. § 2412(d), and \$405.00 in costs under 28 U.S.C. § 1920.  
 22 This amount represents compensation for all legal services rendered on behalf of  
 23 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.  
 24 §§ 2412(d), 1920.

25 After the Court issues an order for EAJA fees to Plaintiff, the government will  
 26 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to  
 27 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability  
 28

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

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
6 determines that Plaintiff does not owe a federal debt, then the government shall cause  
7 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel,  
8 Francesco Benavides, pursuant to the assignment executed by Plaintiff.

9 Payments may be made by electronic fund transfer (EFT) or by check.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for  
11 EAJA attorney fees and does not constitute an admission of liability on the part of  
12 Defendant under the EAJA or otherwise. Payment of the agreed amount shall  
13 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or  
14 Francesco Benavides, including the Law Offices of Francesco Benavides, may have  
15 relating to EAJA attorney fees in connection with this action.

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

19  
20 Respectfully submitted,

21  
22 Dated: August 22, 2024

23 Law Offices of Francesco Benavides

24 By: /s/ Francesco Benavides  
25 FRANCESCO P. BENAVIDES  
26 Attorney for Plaintiff  
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1 Dated: August 22, 2024

2 PHILLIP A. TALBERT  
3 United States Attorney  
4 MATHEW W. PILE  
5 Associate General Counsel  
6 Social Security Administration

7 By: Justin Martin\*  
8 JUSTIN MARTIN  
9 Special Assistant U.S. Attorney  
10 Attorneys for Defendant  
11 (\*Permission to use electronic signature  
12 obtained via email on August 22, 2024).  
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**ORDER**

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2 Based upon the parties' Stipulation for the Award and Payment of Equal Access  
3 to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the  
4 amount of \$5,106.24 as authorized by 28 U.S.C. § 2412, and \$405.00 in costs under 28  
5 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.  
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9 Dated: August 27, 2024



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE