

1 John Metsker, Esq. SBN 268977
2 THE METSKER LAW FIRM
3 P.O. Box 590881
4 San Francisco, CA 94159
5 Phone: 866-342-6180
6 Fax: 415-500-4081
7 jmetsker@metskerlaw.com
8 *Attorney for Plaintiff*

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 MICHAEL V. CLINE,
12 Plaintiff,
13 v.
14 COMMISSIONER OF SOCIAL
15 SECURITY,
16 Defendant.

No. 2:24-cv-1609-JDP

**STIPULATION AND ~~PROPOSED~~
ORDER FOR THE AWARD OF
ATTORNEY FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE
ACT, 28 U.S.C. § 2412(d)**

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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 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
21 in the amount of ONE THOUSAND FOUR HUNDRED SIXTY-SEVEN
22 DOLLARS AND SEVENTY-TWO CENTS (\$1,467.72) and no costs under 28
23 U.S.C. § 1920. These amounts represent compensation for all legal services
24 rendered and costs incurred on behalf of Plaintiff, to date, by counsel in connection
25 with this civil action, in accordance with 28 U.S.C. §§ 2412(d) and 1920.
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1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the
2 government will consider the matter of Plaintiff's assignment of EAJA fees and
3 expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010),
4 the ability to honor the assignment will depend on whether the fees are subject to
5 any offset allowed under the United States Department of the Treasury's Offset
6 Program. After the order for EAJA fees and expenses is entered, the government
7 will determine whether they are subject to any offset.
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10 Fees and expenses shall be made payable to Plaintiff, but if the Department
11 of the Treasury determines that Plaintiff does not owe a federal debt, then the
12 government shall cause the payment of fees to be made directly to Plaintiff's
13 counsel, John D. Metsker, pursuant to the assignment executed by Plaintiff. Any
14 payments made shall be paid via electronic funds transfer (EFT) or via check
15 delivered to Plaintiff's counsel.
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18 This stipulation constitutes a compromise settlement of Plaintiff's request for
19 EAJA attorney fees and expenses, and does not constitute an admission of liability
20 on the part of Defendant under the EAJA. Payment of the agreed amount shall
21 constitute a complete release from, and bar to, any and all claims that Plaintiff
22 and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in
23 connection with this action.
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1 This award is without prejudice to the rights of Plaintiff's counsel to seek
2 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset
3 provisions of the EAJA.
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6 Respectfully submitted,
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8 Dated: October 23, 2024

/s/ John David Metsker
JOHN DAVID METSKER
Attorney for Plaintiff

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12 Dated: October 23, 2024

/s/ Justin L. Martin*
JUSTIN L. MARTIN
**As authorized via email on*
October 23, 2024
Special Assistant United States Attorney
Office of Program Litigation, Office 7
Attorney for Defendant

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18 **[PROPOSED] ORDER**

19 Pursuant to the parties' stipulation, IT IS SO ORDERED.

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21 IT IS SO ORDERED.

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23 Dated: October 24, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE