



1 matter of Mr. Rose's assignment of EAJA fees to Kenneth J. Collins. The retainer agreement  
2 containing the assignment is attached as Exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529  
3 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset  
4 allowed under the United States Department of the Treasury's Offset Program. After the order for  
5 EAJA fees is entered, the government will determine whether they are subject to any offset.

6 Fees shall be made payable to Jeffrey Rose, but if the Department of the Treasury  
7 determines that Mr. Rose does not owe a federal debt, then the government shall cause the payment  
8 of fees, expenses and costs to be made directly to Mr. Collins, pursuant to the assignment executed  
9 by Mr. Rose. Any payments made shall be delivered to Mr. Collins.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
11 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
12 EAJA or otherwise. Payment of TWO THOUSAND, EIGHT HUNDRED AND SEVEN  
13 DOLLARS AND 26/100 CENTS (\$2,807.26) in EAJA attorney fees and expenses, and payment of  
14 FOUR HUNDRED DOLLARS (\$400.00) in costs, shall constitute a complete release from, and bar  
15 to, any and all claims that Plaintiff Rose and Plaintiff's Attorney Kenneth J. Collins may have  
16 relating to EAJA attorney fees and expenses in connection with this action.

17 This award is without prejudice to the rights of Plaintiff's Attorney, Kenneth J. Collins to  
18 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
19 provisions of the EAJA.

20 Respectfully submitted,

21  
22 Dated: January 29, 2016

/s/ Kenneth J. Collins  
(Per email authorization)  
KENNETH J. COLLINS  
Attorney for Plaintiff

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Dated: January 29, 2016

BRIAN J. STRETCH  
Acting United States Attorney

DEBORAH STACHEL  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

/s/ Ellinor Coder  
ELLINOR CODER  
Special Assistant United States Attorney

OF COUNSEL  
AMANDA SCHAPEL  
Assistant Regional Counsel  
(as authorized by email)

Attorneys for Defendant

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of \$2807.26

\_\_\_\_\_, as authorized by 28 U.S.C. 2412(d), and costs in the amount of \$400.00, as authorized by 28 U.S.C. §1920, subject to the terms of the above-referenced Stipulation.

Dated: February 25, 2016

  
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THE HONORABLE NANDOR J. VADAS  
United States Magistrate Judge

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