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Attorney for Defendant

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

16 BERNADETTE RUTLEDGE,	)	
	)	CIVIL NO. 4:16-CV-01689-KAW
17 Plaintiff,	)	
	)	
18 v.	)	STIPULATION TO PLAINTIFF’S AWARD
	)	OF ATTORNEY’S FEES AND COSTS AND
19 NANCY A. BERRYHILL,	)	<del>PROPOSED</del> ORDER
	)	
20 Acting Commissioner of Social Security,	)	
	)	
21 Defendant.	)	
22	)	

23 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
 24 counsel, subject to the approval of the Court, that Plaintiff’s counsel, as Plaintiff’s assignee, be  
 25 awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of SIX  
 26 THOUSAND DOLLARS (\$6000.00). This amount represents compensation for all legal  
 27 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
 28 accordance with 28 U.S.C. §§ 1920, 2412(d).

1 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
2 attorney fees, and does not constitute an admission of liability on the part of Defendant under  
3 the EAJA. Payment of six thousand dollars (\$6000.00) in EAJA attorney fees shall constitute  
4 a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees,  
5 expenses, and/or costs in connection with this action.

6 After this Court issues an order for EAJA fees to Plaintiff, the Commissioner will  
7 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. The ability  
8 to honor the assignment will depend on whether the fees are subject to any offset allowed  
9 under the United States Department of the Treasury's Offset Program and the Commissioner  
10 will determine whether the fees are subject to an offset. See *Astrue v. Ratliff*, 560 U.S. 586,  
11 598 (2010). Any payment shall be made payable to Plaintiff, but if the Department of the  
12 Treasury determines that Plaintiff does not owe a Federal debt, then the Commissioner shall  
13 cause the payment of fees and costs to be made directly to Plaintiff's counsel pursuant to the  
14 assignment executed by Ms. Rutledge (attached).

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

18  
19 Dated: October 17, 2017

20 /s/ Charles Bruce  
21 CHARLES BRUCE  
22 Attorney for Plaintiff Bernadette Rutledge

23  
24 Dated: October 17, 2017

25  
26 By: /s/\*Ben A. Porter  
27 BEN A. PORTER  
28 Special Assistant United States Attorney  
\* by email authorization 10/16/2017

Attorneys for Defendant

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Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees And Costs, IT IS ORDERED that Plaintiff shall be awarded attorney fees under the EAJA in the amount of six thousand dollars and zero cents (\$6000.00), as authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: 10/18/17

  
\_\_\_\_\_  
THE HONORABLE KANDIS A. WESTMORE  
United States Magistrate Judge