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8 Attorney for Defendant

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

<p>11 NICOLE S. BLOCK,          12 Plaintiff,          13 v.          14 NANCY A. BERRYHILL,          Acting Commissioner of Social Security,<sup>1</sup>          15 Defendant.</p>	<p>CIVIL NO. 4:16-CV-2381-KAW           STIPULATION TO PLAINTIFF’S AWARD          OF ATTORNEY’S FEES AND COSTS AND          16 <del>PROPOSED</del> ORDER</p>
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17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
 18 counsel, subject to the approval of the Court, that Plaintiff’s counsel, as Plaintiff’s assignee, be  
 19 awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of SIX

20 <sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d)  
 21 of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting  
 Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be  
 taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security  
 Action, 42 U.S.C. §405(g).”

STIPULATION TO PLAINTIFF’S AWARD OF ATTORNEY’S FEES AND PROPOSED ORDER

4:16-cv-02381-KAW

1 THOUSAND EIGHT HUNDRED DOLLARS (\$6,800.00). This amount represents  
2 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection  
3 with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

4 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
5 attorney fees, and does not constitute an admission of liability on the part of Defendant under  
6 the EAJA. Payment of six thousand eight hundred dollars (\$6,800.00) in EAJA attorney fees  
7 shall constitute a complete release from and bar to any and all claims Plaintiff may have  
8 relating to EAJA fees, expenses, and/or costs in connection with this action.

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

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

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Dated: December 20, 2017


/s/ Michael Wolchansky  
MICHAEL WOLCHANSKY  
Attorney for Plaintiff

/s/Adam Lazar  
ADAM LAZAR  
\* by email authorization 12/20/17  
Attorney 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 eight hundred dollars and zero cents (\$6,800.00), as authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: 1/4/18

  
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THE HONORABLE KANDIS WESTMORE  
UNITED STATES MAGISTRATE JUDGE  
NORTHERN DISTRICT OF CALIFORNIA