

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

<p>4 ROCKY MALONE, 5 6 Plaintiff, 7 8 v. 9 NANCY A. BERRYHILL, 10 Deputy Commissioner for Operations, 11 performing the duties and functions not 12 reserved to the Commissioner of Social 13 Security, 14 15 Defendant</p>	<p>CIVIL NO. 4:17-CV-3646-KAW STIPULATION AND PROPOSED ORDER APPROVING SETTLEMENT OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT</p>
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14 IT IS HEREBY STIPULATED by and between the parties through their undersigned
15 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
16 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND
17 AND TWO HUNDRED FIFTY DOLLARS AND 00/CENTS (\$6,250.00). This amount
18 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
19 connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

20 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
21 will consider the matter of Plaintiff's assignment of EAJA fees and expenses [and costs] to
22 Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 US 586 (2010), the ability to honor the
23 assignment will depend on whether the fees, expenses are subject to any offset allowed under the
24 United States Department of the Treasury's Offset Program. After the order for EAJA fees and
25 expenses is entered, the government will determine whether they are subject to any offset.

Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
determines that Plaintiff does not owe a federal debt, then the government shall cause the

1 payment of fees, expenses and costs to be made directly to Katherine Siegfried, pursuant to the
2 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

3 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
4 and expenses and does not constitute an admission of liability on the part of Defendant under the
5 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
6 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
7 and expenses in connection with this action.

8 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
9 attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

10 Respectfully submitted,

11 Dated: 3/23/2018

12 /s/ Katherine Siegfried
13 KATHERINE SIEGFRIED
14 Attorney for Plaintiff
15 ROCKY MALONE

16 Dated: 3/27/2018

17 ALEX G. TSE
18 Acting United States Attorney
19 DEBORAH LEE STACHEL
20 Regional Chief Counsel, Region IX
21 Social Security Administration

22 /s/ Jennifer Kenney
23 JENNIFER KENNEY
24 Special Assistant United States Attorney
25 Attorneys for the Defendant

IT IS SO ORDERED:

26 Dated: 3/29/18

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29 HONORABLE MAGISTRATE JUDGE KANDIS A. WESTMORE