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20 Attorneys for Defendant

21 UNITED STATES DISTRICT COURT
 22 NORTHERN DISTRICT OF CALIFORNIA
 23 SAN FRANCISCO DIVISION

24 MICHAEL KEAN,)	
)	CIVIL NO. 5:20-cv-03236-SVK
25 Plaintiff,)	
)	STIPULATION TO PLAINTIFF’S AWARD
26 v.)	OF ATTORNEY’S FEES AND COSTS AND
)	PROPOSED ORDER
27 KILOLO KIJAKAZI,)	
28 Acting Commissioner of Social Security,)	
)	
29 Defendant.)	

30 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 31 counsel, subject to the approval of the Court, that Plaintiff’s counsel, as Plaintiff’s assignee, be
 32 awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of ONE
 33 THOUSAND NINE HUNDRED AND FORTY DOLLARS AND NINETEEN CENTS

1 (\$1,940.19). This amount represents compensation for all legal services rendered on behalf of
2 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920,
3 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 one thousand nine hundred and forty dollars and nineteen cents
7 (\$1,940.19) in EAJA attorney fees shall constitute a complete release from and bar to any and
8 all claims Plaintiff may have relating to EAJA fees, expenses, and/or costs in connection with
9 this action.

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

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

22
23 Dated: July 13, 2021

24 /s/ Anne Marie Su
25 ANNE MARIE SU
26 Attorney for Plaintiff Michael Kean
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Date: July 13, 2021

STEPHANIE HINDS
Acting United States Attorney

By: /s/ Marla Kendall Letellier
MARLA KENDALL LETELLIER
Special Assistant United States Attorney
* by email authorization 07/13/2021

Attorneys for Defendant

ORDER

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 ONE THOUSAND NINE HUNDRED AND FORTY DOLLARS AND NINETEEN CENTS (\$1,940.19) as authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: July 15, 2021



THE HONORABLE SUSAN VAN KEULEN
United States Magistrate Judge