

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge R. Brooke Jackson**

Civil Action No. 1:12-cv-03059-RBJ

JAMIE N. RUTH,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

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**ORDER**

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Upon consideration of the parties' joint stipulation for fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 *et seq.*, IT IS HEREBY ORDERED:

1. Defendant will pay Plaintiff a total of \$5,000.00 in EAJA fees. This amount is payable to Plaintiff, not directly to her counsel.<sup>1</sup> Payment will be sent to the office of Plaintiff's attorney: Patrick C.H. Spencer, II; 830 Tenderfoot Hill Road, Suite 320; Colorado Springs, CO 80906.

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<sup>1</sup> However, Defendant will consider the propriety of directing payment to the attorney pursuant to an assignment, but can do so only after the award has been issued to Plaintiff and the amount of any federal debt owed by Plaintiff is properly offset.

2. It is further ordered that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (2) agrees to waive the requirements of the Anti-Assignment Act, the fees will be made payable to Plaintiff's attorney. However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney.
3. Defendant's payment of this amount bars any and all claims Plaintiff may have relating to EAJA fees and expenses in connection with this action.
4. Defendant's payment of this amount is without prejudice to Plaintiff's right to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.
5. This Order will not be used as precedent in any future cases.

DATED this 17th day of April, 2014.

BY THE COURT



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R. Brooke Jackson  
United States District Judge