

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Bridie W.¹

Case No. 24-cv-1582 (DJF)

Plaintiff,

v.

ORDER

Martin O'Malley,
Commissioner of Social Security,

Defendant.

This matter is before the Court on Plaintiff's Motion for Attorney Fees—Application for an Award of Fees Under the Equal Access to Justice Act ("Motion") (ECF No. 18) and the parties' Joint Stipulation for EAJA Fees ("Stipulation") (ECF No. 23). Plaintiff filed her Motion on October 16, 2024 (ECF No. 18), but did not file a meet and confer statement as required by Local Rule 7.1(a). On October 22, 2024, the Court Ordered Plaintiff to meet and confer with Defendant regarding her Motion, and to file a statement indicating whether Defendant objected to it by October 29, 2024. (ECF No. 22.) Later on October 22, 2024, the parties filed their Stipulation (ECF No. 23). The Court therefore infers the parties met and conferred regarding Plaintiff's Motion, finds that the Stipulation satisfies Plaintiff's duty to file a meet and confer statement, and denies Plaintiff's Motion as moot.

The parties stipulate that the Court shall award \$7,500 in attorney's fees and costs to Plaintiff under Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) ("EAJA") (ECF No. 23 at 1). Based on the parties' agreement, the Court approves the Stipulation. The Government shall pay Plaintiff \$7,500 in attorney fees and costs. In accordance with *Astrue v. Ratliff*, 560 U.S. 586

¹ This District has adopted a policy of using only the first name and last initial of any nongovernmental parties in orders in Social Security matters.

(2010), the EAJA fees may be subject to offset to satisfy any preexisting debt Plaintiff may owe the United States. If, after receiving the Court's EAJA fee order, the Commissioner: (1) determines 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, then the EAJA fees will be made payable to Plaintiff's attorney, **Stephanie Christel**. However, if there is a debt owed 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 check made out to Plaintiff.

Any checks issued for payment (regardless of whether the check is made out to Plaintiff or to Plaintiff's attorney), shall be delivered to Plaintiff's attorney at Livgard, Lloyd & Christel PLLP, P.O. Box 14906, Minneapolis, MN 55414.

IT IS SO ORDERED.

Dated: October 23, 2024

s/ Dulce J. Foster

DULCE J. FOSTER
United States Magistrate Judge