

1 STEVEN W. MYHRE  
 2 Acting United States Attorney  
 2 District of Nevada  
 3 PAUL SACHELARI, CSBN 230082  
 3 Special Assistant United States Attorney  
 4 Social Security Administration  
 4 160 Spear St., Suite 800  
 5 San Francisco, CA 94105  
 5 Telephone: (415) 977-8933  
 6 Facsimile: (415) 744-0134  
 6 Email: paul.sachelari@ssa.gov  
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8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**  
 10 **DISTRICT OF NEVADA**

11 APRIL L. CAIRNEY,	)	
12 Plaintiff,	)	Case No.: 2:16-cv-02139-APG-CWH
13 vs.	)	<b>STIPULATION FOR AWARD OF EAJA FEES</b>
14 NANCY A. BERRYHILL, Acting	)	
15 Commissioner of Social Security,	)	
16 Defendant.	)	

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 19 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the  
 20 approval of the Court as provided below, that Plaintiff be awarded attorney fees under the Equal Access  
 21 to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of six thousand dollars (\$6,000.00), and costs  
 22 in the amount of four hundred dollars (\$400) under 28 U.S.C. § 1920. This amount represents  
 23 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this  
 24 civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
 26 matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.

Stip. EAJA; 2:16-cv-02139-APG-CWH

1 Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees are  
2 subject to any offset allowed under the United States Department of the Treasury's Offset Program.  
3 After the order for EAJA fees is entered, the government will determine whether they are subject to any  
4 offset.

5 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury  
6 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of  
7 fees and costs to be made directly to plaintiff's counsel Charles E. Binder, pursuant to the assignment  
8 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel Charles E. Binder.

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

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15 Respectfully submitted,

16 Date: April 19, 2017

Law Offices of Binder & Binder LLP

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18 By: /s/ Daniel S. Jones\*  
DANIEL S. JONES  
19 \*By email authorization

20 Attorney for Plaintiff

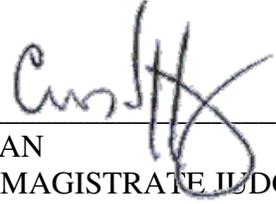
21 STEVEN W. MYHRE  
Acting United States Attorney

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23 By: /s/ Paul Sachelari  
PAUL SACHELARI  
24 Special Assistant United States Attorney

25 Attorneys for Defendant  
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IT IS SO ORDERED:



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CARL W. HOFFMAN  
UNITED STATES MAGISTRATE JUDGE

Dated: April 19, 2017

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**CERTIFICATE OF SERVICE**

I, Paul Sachelari, certify that the following individual was served with the **STIPULATION TO VOLUNTARY REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) AND TO ENTRY OF JUDGMENT** on the date and via the method of service identified below:

**CM/ECF:**

Daniel S. Jones  
Binder & Binder, LLP  
485 Madison Avenue, Suite 501  
New York, NY 10022

Dated: April 19, 2017

*/s/ Paul Sachelari*  
\_\_\_\_\_  
PAUL SACHELARI  
Special Assistant United States Attorney