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2 District of Nevada

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7 Attorneys for Defendant

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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JUANITA JOAN GOIN,

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Plaintiff,

14

v.

15

ANDREW SAUL,
Commissioner of Social Security,¹

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Defendant.

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)
) Case No. 3:18-cv-00207-HDM-WGC
)
) **ORDER GRANTING STIPULATION**
) **FOR THE AWARD AND PAYMENT OF**
) **ATTORNEY FEES AND EXPENSES**
) **PURSUANT TO THE EQUAL ACCESS**
) **TO JUSTICE ACT, 28 U.S.C. § 2412(d)**
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¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted in this action pursuant to Fed. R. Civ. P. 25(d). *See also* 42 U.S.C. § 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned
2 counsel, subject to the approval of the Court, that plaintiff Juanita Joan Goin (Plaintiff) be awarded
3 attorney fees and expenses in the amount of SIX THOUSAND, TWO HUNDRED DOLLARS AND
4 ZERO CENTS (\$6,200.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).

5 This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel
6 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).
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8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
9 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
10 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
11 whether the fees are subject to any offset allowed under the United States Department of the
12 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
13 whether they are subject to any offset.
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15 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
16 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and
17 expenses to be made directly to Olinsky Law Group, pursuant to the assignment executed by
18 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
20 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
21 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
22 and all claims that Plaintiff and/or counsel including Olinsky Law Group may have relating to EAJA
23 attorney fees in connection with this action.
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1 This award is without prejudice to the rights of counsel and/or Olinsky Law Group to seek
2 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions
3 of the EAJA.

4 Respectfully submitted,

5 Dated: June 24, 2019

OLINSKY LAW GROUP

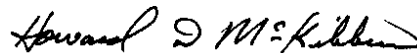
6
7 By: /s/ Melissa Palmer*
8 Melissa Palmer
9 Attorneys for Plaintiff
10 [*As authorized by email on June 21, 2019]

11 Dated: June 24, 2019

NICHOLAS A. TRUTANICH
United States Attorney

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13 By: /s/ Margaret Branick-Abilla
14 MARGARET BRANICK-ABILLA
15 Special Assistant United States Attorney
16 Attorneys for Defendant

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18 **IT IS SO ORDERED*:**

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20 HON. HOWARD D. MCKIBBEN
21 UNITED STATES DISTRICT JUDGE

22
23 DATED: June 24, 2019

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25 * The Court also denies Plaintiff's motion for attorney fees (ECF 19) as moot.
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