

Rory J. Linerud, OSB # 970061
Rory@LinerudLawFirm; rorylinerud@hotmail.com
Linerud Law Firm
PO Box 5734
Salem, OR 97304
Phone: (971) 218-6954
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SCOTT PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	3:23-CV-00148-SB
)	
COMMISSIONER, SOCIAL)	ORDER AWARDING FEES
SECURITY ADMINISTRATION,)	PURSUANT TO THE EQUAL
)	ACCESS TO JUSTICE ACT
)	
Defendant.)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff Scott Phillips be awarded attorney fees and expenses in the amount of EIGHT THOUSAND, ONE HUNDRED, FIFTY dollars AND ZERO cents (\$8150.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s counsel, Rory J. Linerud. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor

the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

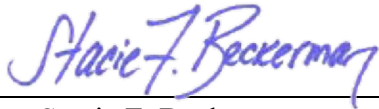
Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses, and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

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

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

IT IS SO ORDERED.

DATED this 5th day of February, 2024.



Hon. Stacie F. Beckerman
U.S. Magistrate Judge