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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 BRIAN C PHILLIPS,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Deputy
14 Commissioner of Social Security for
Operations,

15 Defendant.

CASE NO. 3:17-CV-05356-JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES, EXPENSES AND COSTS

16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
17 Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge
18 and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 8).
19 This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act
20 Fees and Expenses (*see* Dkt. 23).

21 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of
22 the parties (*see* Dkt. 23), the attorney declaration and time and expense itemizations (Dkt. 23,
23 Attachments 2, 3, 4), and the relevant record, it is hereby ORDERED that EAJA attorney's fees
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1 of \$7,320.59 (which is for work performed by Jeffrey Baird in the amount of \$6,080.81 plus
2 work performed by Elie Halpern in the amount of \$1,239.78) and expenses in the amount of
3 \$3.43, shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*,
4 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

5 It is further ORDERED that costs in the amount of \$35.40 shall be awarded to plaintiff
6 pursuant to 28 U.S.C. § 1920.

7 The Acting Commissioner shall contact the Department of Treasury after the Order for
8 EAJA fees, expenses and costs is entered to determine if the EAJA fees, expenses and costs are
9 subject to any offset. If it is determined that plaintiff's EAJA fees, expenses and costs are not
10 subject to any offset allowed pursuant to the Department of the Treasury's Offset Program, then
11 the check for EAJA fees, expenses and costs shall be made payable to Elie Halpern, Esq., based
12 on plaintiff's assignment of these amounts to plaintiff's attorney (*see* Plaintiff's Declaration
13 Regarding Net Worth and Payment of EAJA Fees, Dkt. 9; Federal Court Retainer Agreement,
14 Dkt. 23, Attachment 5). If there is an offset, the remainder shall be made payable to plaintiff,
15 based on the practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt.
16 22, p. 4). Any check for EAJA fees, expenses and costs shall be mailed to plaintiff's counsel,
17 Elie Halpern, Esq., at Halpern Olivares PLLC, 2102 Carriage Drive SW, Building E102,
18 Olympia, WA 98502.

19 Dated this 13th day of April, 2018.

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21 J. Richard Creatura
22 United States Magistrate Judge