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Attorney For Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS JEROME TAUM IV,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,
Defendant

CIV. NO. 2:17-CV-02542-DMC

**STIPULATION FOR AWARD OF EAJA
FEES AND COSTS**

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under the Equal Access To Justice Act (EAJA) 28 U.S.C. 2412(d), in the amount of three thousand dollars (\$3000.00), and costs pursuant to 28 U.S.C. 1920, in the amount of four hundred dollars (\$400.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by his 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 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 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 to EAJA fees is entered, the government will determine if it is subject to any offset.

1 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the
3 payment of fees and costs to be made directly to Plaintiff's counsel Joseph C. Fraulob, pursuant
4 to the written assignment executed by Plaintiff. Any payments shall be delivered to Plaintiff's
5 counsel Joseph C. Fraulob.

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

11
12
13 DATE: September 4, 2018 By /s/ Joseph C. Fraulob
14 JOSEPH C. FRAULOB
Attorney for plaintiff

15
16 DATE: September 4, 2018 PHILLIP A. TALBERT
United States Attorney
17
18 By /s/ Jeffrey Chen
(As authorized via email)
19 JEFFREY CHEN
Assistant Regional Counsel
20 Attorneys for Defendant

21
22 ORDER

23 APPROVED AND SO ORDERED

24
25 DATED: Sept 5 2018


26 HON. DENNIS M. COTA
27 UNITED STATES MAGISTRATE JUDGE
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