

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Ronaldo Patino Bandong v. Kilolo Kijakazi

Bandong v. Kijakazi · No. 2:21-CV-00318-KJN · Decided March 13, 2023

SUMMARY

The parties stipulated to an award of \$7,500 in attorney's fees to the plaintiff under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in connection with the Social Security action. The United States District Court for the Eastern District of California approved the stipulation and entered the order on March 13, 2023.

OPINION

FORSLUND LAW, LLC 1 Jacqueline A. Forslund # 154575 2 P.O. Box 4476 Sunriver, OR 97707
3 Telephone: 541-419-0074 Fax: 541-593-4452 4 Email: jaf@forslundlaw.com 5 Attorney for
Plaintiff 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8
RONALDO PATINO BANDONG,) Case No. 2:21-CV-00318-KJN 9) Plaintiff) STIPULATION
AND 10) ORDER FOR AWARD OF ATTORNEY'S 11 v.) FEES UNDER THE EQUAL
ACCESS TO) JUSTICE ACT (EAJA) 12 KILOLO KIJAKAZI,) Acting Commissioner of Social
Security,) 13) 14 Defendant)) 15 _____) 16 IT IS
HEREBY STIPULATED by and between the parties through their undersigned counsel, 17
subject to the approval of the Court, that Plaintiff shall be awarded attorney's fees under the Equal
18 Access to Justice Act (EAJA), 28 U.S.C. sec. 2412(d), in the amount of SEVEN THOUSAND
FIVE 19 HUNDRED dollars and ZERO cents (\$7,500.00).

This amount represents compensation for all legal 20 services rendered on behalf of Plaintiff by
counsel in connection with this civil action, in accordance with 28 U.S.C. sec. 2412(d). 21 After
the Court issues an order for payment of EAJA fees and expenses to Plaintiff, the 22 government
will consider the matter of Plaintiff's assignment of EAJA fees and expenses to 23 Plaintiff's
attorney.

The government's ability to honor the assignment will depend on whether the 24 fees and
expenses are subject to an offset allowed under the United States Department of the 25 Treasury's
Offset Program pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010).

After the order of 26 EAJA fees and expenses is entered, the government will determine if they
are subject to an offset. If 27 it is determined that Plaintiff's EAJA fees and expenses are not
subject to an offset under *Astrue v. Ratcliff*, 130 S. Ct. 2521 (2010) and the Department of
Treasury's Offset Program, then the check for 1 || EAJA fees and expenses shall be made payable

to Jacqueline A. Forslund, based upon Plaintiff's > || assignment of these amounts to Plaintiffs attorney.

The parties agree that whether these checks are 3 || made payable to Plaintiff or Jacqueline A. Forslund, such checks shall be mailed to Plaintiff's 1 attorney. 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 5 EAJA or otherwise.

Payment of the agreed amount shall constitute a complete release from, and bar 6 to, any and all claims that Plaintiff and/or Plaintiff's Counsel may have relating to EAJA attorney 7 || fees in connection with this action. 8 9 Respectfully submitted, Date: March 10, 2023 JACQUELINE A. FORSLUND 11 Attorney at Law 12 /s/Jacqueline A. Forslund 13 JACQUELINE A. FORSLUND 1A Attorney for Plaintiff 15 Date: March 10, 2023 PHILLIP A. TALBERT United States Attorney 16 17 /s/Caspar Chan 18 CASPAR CHAN Special Assistant United States Attorney 19 *By email authorization 20 Attorney for Defendant 21 ORDER 22 || APPROVED AND SO ORDERED 23 Dated: March 13, 2023 24 —f' 25 || band.318 Pec Ahern KENDALL 26 UNITED STATES MAGISTRATE JUDGE 27 28 Bandong v. Kijakazi Stipulation and Order E.D.

Cal. 2:21-cv-00318-KJN