

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

Stephen Ellzey v. Commissioner of Social Security

Ellzey · No. 2:25-cv-00811-AC · Decided August 29, 2025

SUMMARY

This document is a stipulation and proposed order in Stephen Ellzey v. Commissioner of Social Security, filed in the United States District Court for the Eastern District of California. The parties agreed to an award of \$8,850.00 in attorney fees under the Equal Access to Justice Act and \$0.00 in costs, subject to Treasury Offset Program verification and the terms of the stipulation. The proposed order was signed on August 28, 2025, by Magistrate Judge Allison Claire.

OPINION

1 MARGARET LEHRKIND SBCA # 314717 2 Lehrkind Law Office, P.C. 3 2625 Alcatraz Ave, #
208 Berkeley, CA 94705 4 Tel: 510-590-1907 Margaret@LehrkindLawOffice.com 5 6 7 UNITED
STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 STEPHEN ELLZEY,
Case No.: 2:25-cv-00811-AC 10 Plaintiff, 11 STIPULATION FOR THE AWARD AND vs. 12
PAYMENT OF ATTORNEY FEES AND EXPENSES PURUSANT TO THE EQUAL
COMMISSIONER OF SOCIAL SECURITY, 13 ACCESS TO JUSTICE ACT; [PROPOSED] 14
Defendant ORDER 15 The parties, through their respective counsel, hereby agree that attorney
fees in the 16 17 amount of \$8,850.00 shall be awarded to Plaintiff pursuant to the Equal Access
to Justice Act 18 (EAJA), 28 U.S.C. § 2412, and costs of \$0, pursuant to 28 U.S.C. § 1920.

Such attorney fees 19 shall be subject to verification that Plaintiff has no debt that qualifies for
offset, pursuant to the 20 Treasury Offset Program as discussed in Astrue v. Ratliff, 130 S. Ct.
2521 (2010). 21 If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees are
not 22 23 subject to any offset allowed under the Department of the Treasury's Offset Program,
then the 24 check or electronic funds transfer for EAJA fees shall be made payable to Plaintiff's
attorney, 25 Margaret Lehrkind, based upon Plaintiff's assignment of these amounts to her.

See Exhibit – 26 STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES
AND 27 EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT;
[PROPOSED] ORDER - 1 28 1 Retainer Agreement. If Plaintiff has a debt, then any remaining
funds after offset shall be made 2 payable to Plaintiff and mailed to counsel's address. 3 This
stipulation constitutes a compromise settlement of Plaintiff's request for EAJA 4 attorney fees and
expenses and does not constitute an admission of liability on the part of 5 6 Defendant under the
EAJA.

Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

DATE: August 27, 2025 Respectfully submitted, Lehrkind Law Office, P.C. By: /s/ Margaret Lehrkind MARGARET LEHRKIND Attorney for Plaintiff DATE: August 27, 2025 By: /s/ Marcelo N. Illarmo * MARCELO N. ILLARMO *As authorized via email on 8/27/25 Special Assistant United States Attorney Attorney for Defendant
STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED] ORDER - 2 28 1 5 [PROPOSED] ORDER 3 || Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act 4 and Expenses (the "Stipulation"), > IT IS ORDERED that fees and expenses in the amount of EIGHT THOUSAND EIGHT 6 HUNDRED FIFTY dollars (\$8,850.00) as authorized by the Equal Access to Justice Act 7 (EAJA), 28 U.S.C. § 2412(d), and ZERO and 00/100 (\$0.00), pursuant to 28 U.S.C. § 1920 be g ||awarded subject to the terms of the Stipulation.

IT IS SO ORDERED. 12 |}DATE: August 28, 2025 ~ B _Athuer—Clore ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE 15 16 17 18 19 20 21 22 23 24 25 26
STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND 27 ||
EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED] 38
ORDER - 3