

**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

OPINION

(SS) Ellzey v. Commissioner of Social Security

PER CURIAM.

1 MARGARET LEHRKIND

SBCA # 314717

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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 7 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to 8 EAJA attorney fees and expenses in connection with this action. 9 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security 10 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA. 11 12 13 DATE: August 27, 2025 Respectfully submitted, 14 15 Lehrkind Law Office, P.C. 16 By: /s/ Margaret Lehrkind

17 MARGARET LEHRKIND

Attorney for Plaintiff 18 DATE: August 27, 2025 By: /s/ Marcelo N. Illarmo * 19

MARCELO N. ILLARMO

20 *As authorized via email on 8/27/25 Special Assistant United States Attorney 21 Attorney for Defendant 22 23 24 25 26

STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND
27 EXPENSES PURUSANT 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. 10 IT IS SO ORDERED. 12 |}DATE: August 28, 2025 ~ B _Athuer—Clore

ALLISON CLAIRE

14 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 PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; [PROPOSED]
38 ORDER - 3