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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACOB O. BETANCOURT, Plaintiff, v. FRANK BISIGNANO, Commissioner of Social Security, Defendant	Case No. 2:24-cv-02291-JDP APPLICATION AND JOINT STIPULATION FOR AWARD OF ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT. (28 U.S.C. § 2412(d))

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount of ten thousand dollars ($10,000.00) under the Equal Access to Justice Act EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Pursuant to *Astrue v. Ratliff,* 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (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 for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Josephine M. Gerrard, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Josephine M. Gerrard by electronic fund transfer (EFT) or by check.

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 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Josephine M. Gerrard, including her firm, Gerrard Law Offices, may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Josephine M. Gerrard or Gerrard Law Offices to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA. The EAJA award will be deducted from the 42 U.S.C. § 406(b) motion for attorney fees.

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that the Commissioner of Social Security has agreed to stipulate to attorney's fees at $10,000.

Plaintiff requests that the Court find that she meets the statutory requirements for an award of attorney fees under the EAJA and that the Commissioner's position was not substantially justified, and award $10,000 in attorney fees under 28 U.S.C. § 2412(d).

The proposed order is stipulated and respectfully submitted by the following:

By email

/s David Glen Priddy
David Glen Priddy
Office of General Counsel Social Security Administration
LEAD ATTORNEY

Edward Alan Olsen, SS
US Attorney's Office
ATTORNEY TO BE NOTICED

/s Josephine M. Gerrard
JOSEPHINE M. GERRARD
ATTORNEY FOR PLAINTIFF

DATE: December 5, 2025

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Attorney for the Plaintiff, Jacob O. Betancourt

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JACOB O. BETANCOURT,

Plaintiff,

v.

FRANK BISIGNANO,
Commissioner of Social Security,

Defendant

Case No. 2:24-cv-02291-JDP

ORDER GRANTING JOINT STIPULATION FOR ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT (28 U.S.C. § 2412(d))

Based upon the Joint Stipulation for Attorney's fees pursuant to the Equal Access to Justice Act (28 U.S.C. § 2412(d)), **IT IS ORDERED**.

Dated February 19, 2026

Hon. Jeremy D. Peterson
United States Magistrate Judge