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MARC V. KALAGIAN
ATTORNEY AT LAW: 149034
ROHLFING & KALAGIAN, LLP
211 EAST OCEAN BLVD., SUITE 420
LONG BEACH, CA 90802
562/437-7006
FAX: 562/432-2935
Email: marckalagian_rohlfinglaw@hotmail.com

ATTORNEYS FOR PLAINTIFF

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

ROSARIO I. COTA,)	Case No.: 1:08-cv-00842 SMS
)	
Plaintiff,)	STIPULATION FOR THE AWARD
)	AND PAYMENT OF ATTORNEY
vs.)	FEEES PURSUANT TO THE EQUAL
)	ACCESS TO JUSTICE ACT, 28 U.S.C.
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	§ 2412(d); ORDER
)	
Defendant.)	
)	

IT IS HEREBY STIPULATED by and between Plaintiff ROSARIO I. COTA (“Plaintiff”) and Defendant Michael J. Astrue as the Commissioner of Social Security (“Defendant”), collectively as the “parties,” through their undersigned attorneys, subject to the approval of the Court, MARC V. KALAGIAN, as Plaintiff’s counsel and assignee, be awarded attorney fees, costs and expenses under the EAJA in the amount of THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00). This amount represents compensation for all

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legal services rendered by MARC V. KALAGIAN on behalf of Plaintiff in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, costs, and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA. Nor do Plaintiff, MARC V. KALAGIAN, or Defendant resolve, settle, or compromise the question of whether MARC V. KALAGIAN may be, is, or should be the direct payee of an award of fees, costs, and expenses under the EAJA in the absence of an express or implied assignment of such an award or whether any such award is free from or subject to debts of Plaintiff, if any, under the Debt Recovery Act.

Payment of THREE THOUSAND TWO HUNDRED DOLLARS (\$3,200.00) in EAJA attorney fees, costs, and expenses to MARC V. KALAGIAN shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection. Any payment shall be made payable to Plaintiff's counsel as Plaintiff's assignee and delivered to Plaintiff's counsel.

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2 This award is without prejudice to the rights of Plaintiff's counsel to seek
3 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions
4 of the EAJA.

5 DATE: 4/6/10 Respectfully submitted,

6 Rohlring & Kalagian

7
8 BY: /s/ Marc V. Kalagian

9 Marc V. Kalagian

10 Attorney for plaintiff

11 Rosario I. Cota

12 DATE: 4/6/10 BENJAMIN B. WAGNER

13 United States Attorney

14 LUCILLE GONZALES MEIS

15 Chief, Civil Division

16 BY: /s/-Brenda Pullin*

17 Brenda Pullin

18 Special Assistant United States Attorney

19 Attorneys for defendant Michael J. Astrue

20 Commissioner of Social Security

21 [*By email authorization on April 2, 2010]

22
23 IT IS ORDERED

24 Dated: April 12, 2010 /s/ Sandra M. Snyder

UNITED STATES MAGISTRATE JUDGE