

1 LAURA KRANK
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9 ATTORNEYS FOR PLAINTIFF

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA
 12 **FRESNO DIVISION**

13 FRANK DONEZ,

14 Plaintiff,

15 v.

16 MICHAEL J. ASTRUE,
 17 Commissioner of
 18 Social Security,

19 Defendant.

CIVIL NO. 1:08-CV-00956 GSA

STIPULATION FOR THE AWARD
 AND PAYMENT OF ATTORNEY'S
 FEES PURSUANT TO THE EQUAL
 ACCESS TO JUSTICE ACT §
 2412(d)

20 IT IS HEREBY STIPULATED by and between Plaintiff FRANK DONEZ
 21 ("Plaintiff") and Defendant Michael J. Astrue as the Commissioner of Social
 22 Security ("Defendant"), collectively as the "parties," through their undersigned
 23 attorneys, subject to the approval of the Court, LAURA KRANK, as Plaintiff's
 24 counsel and assignee, be awarded attorney fees, costs and expenses under the
 25 EAJA in the amount of THREE THOUSAND EIGHT HUNDRED DOLLARS
 26 (\$3,800.00). This amount represents compensation for all legal services rendered
 27 by LAURA KRANK on behalf of Plaintiff in connection with this civil action, in
 28 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

1 of liability on the part of Defendant under the EAJA. Nor do Plaintiff, LAURA
2 KRANK, or Defendant resolve, settle, or compromise the question of whether
3 LAURA KRANK may be, is, or should be the direct payee of an award of fees,
4 costs, and expenses under the EAJA in the absence of an express or implied
5 assignment of such an award or whether any such award is free from or subject to
6 debts of Plaintiff, if any, under the Debt Recovery Act. Payment of THREE
7 THOUSAND EIGHT HUNDRED DOLLARS (\$3,800.00) in EAJA attorney fees,
8 costs, and expenses to LAURA KRANK shall constitute a complete release from
9 and bar to any and all claims Plaintiff may have relating to EAJA fees in
10 connection. Any payment shall be made payable to Plaintiff's counsel as
11 Plaintiff's assignee and delivered to Plaintiff's counsel.

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

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5 DATE: 9/2/09

Respectfully submitted,
Rohlfing & Kalagian

6 BY: /s/ Laura Krank
7 Laura Krank
8 Attorney for plaintiff
9 Frank Donez

10 DATE: 9/2/09

THOMAS P. O'BRIEN
United States Attorney
LEON W. WEIDMAN
Chief, Civil Division

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13 BY: /s/-Donna W. Anderson*
14 Donna W. Anderson
15 Assistant Regional Counsel
16 Special Assistant United States Attorney
17 Attorneys for defendant Michael J. Astrue
18 Commissioner of Social Security
19 [*By email authorization on August 27, 2009]

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23 IT IS SO ORDERED.

24 Dated: September 4, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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