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13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA
 16 **FRESNO DIVISION**

17 SHELLY HAWORTH,
 18 Plaintiff,

19 v.

20 MICHAEL J. ASTRUE,
 21 Commissioner of Social Security,
 22 Defendant.

23 Case No. 1:08-cv-01276-DLB

24 **STIPULATION AND PROPOSED
 25 ORDER SETTLING ATTORNEY'S
 26 FEES PURSUANT TO THE EQUAL
 27 ACCESS TO JUSTICE ACT, 28 U.S.C.
 28 § 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel that, subject to the approval of the Court, Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TWO THOUSAND dollars and 00/100 cents (\$2,000.00).¹ 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. § 2412(d).

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

¹Under the EAJA, a "prevailing party" must file an application for attorney fees "within thirty days of final judgment." 28 U.S.C. § 2412(d)(1)(A), (B); see also *Akopyan v. Barnhart*, 296 F.3d 852, 854 (9th Cir. 2002). The Commissioner has waived the defense of timeliness in this case. Waiver applies to in this case only and should not be construed as an intent to agree to waiver in any other case.

1 EAJA. Payment of TWO THOUSAND dollars and 00/100 cents (\$2,000.00) in EAJA attorney
2 fees, shall constitute a complete release from and bar to any and all claims Plaintiff may have
3 relating to EAJA fees in connection with this action. Any payment shall be delivered to
4 Plaintiff's counsel.

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

7 Respectfully submitted,

8 Dated: December 17, 2010

9 /s/ Sengthiene Bosavanh
10 (As authorized via email)
11 SENGTHIENE BOSAVANH
12 Attorney for Plaintiff

13 Dated: December 17, 2010

14 BENJAMIN B. WAGNER
15 United States Attorney
16 LUCILLE GONZALES MEIS
17 Regional Chief Counsel, Region IX
18 Social Security Administration

19 /s/ Elizabeth Firer
20 ELIZABETH FIRER
21 Special Assistant U.S. Attorney

22 Attorneys for Defendant

23 **ORDER**

24 IT IS SO ORDERED.

25 Dated: December 22, 2010

26 /s/ Dennis L. Beck
27 UNITED STATES MAGISTRATE JUDGE