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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

DORA GUTIERREZ,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

) 1:09cv0146 DLB

)
) ORDER GRANTING STIPULATION
) FOR AWARD OF FEES
) PURSUANT TO THE
) EQUAL ACCESS TO JUSTICE ACT
) (Document 17)

On May 10, 2010, the parties submitted a stipulation for the award and payment of attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Accordingly, it is ORDERED that Marc V. Kalagian, as Plaintiff's counsel and assignee, be awarded attorney fees, costs and expenses under the EAJA in the amount of TWO THOUSAND NINE HUNDRED DOLLARS (\$2,900.00). This amount represents compensation for all 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

1 under the EAJA. Nor do Plaintiff, Marc V. Kalagian, or Defendant resolve, settle, or compromise
2 the question of whether Marc V. Kalagian may be, is, or should be the direct payee of an award of
3 fees, costs, and expenses under the EAJA in the absence of an express or implied assignment of such
4 an award or whether any such award is free from or subject to debts of Plaintiff, if any, under the
5 Debt Recovery Act.

6 Payment of TWO THOUSAND NINE HUNDRED DOLLARS (\$2,900.00) in EAJA attorney
7 fees, costs, and expenses to Marc v. Kalagian shall constitute a complete release from and bar to any
8 and all claims Plaintiff may have relating to EAJA fees.

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

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IT IS SO ORDERED.

Dated: May 11, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE