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Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

GARY FREY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant.

CIVIL NO. 1:09-CV-02037-DLB

STIPULATION AND ORDER FOR THE
AWARD OF ATTORNEY 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 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TWO THOUSAND EIGHT HUNDRED DOLLARS AND 0 CENTS (\$2,800.00), and costs in the amount of THREE HUNDRED FIFTY DOLLARS AND 0 CENTS (\$350.00). 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).

After the Court issues an order for EAJA fees and expenses and costs to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and costs to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, No. 08-1322, 2010 WL 2346547 (U.S. June 14, 2010),

1 the ability to honor the assignment will depend on whether the fees, expenses, and costs are subject to
2 any offset allowed under the United States Department of the Treasury's Offset Program. After the
3 order for EAJA fees and expenses and costs is entered, the government will determine whether they are
4 subject to any offset.

5 Fees, expenses, and costs shall be made payable to Plaintiff, but if the Department of the
6 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the
7 payment of fees, expenses, and costs to be made directly to Sengthiene Bosavanh, pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
10 and expenses and costs, and does not constitute an admission of liability on the part of Defendant under
11 the EAJA. Payment of the agreed amount shall constitute a complete release from and bar to any and all
12 claims Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses and
13 costs in connection with this action.

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

16 Respectfully submitted,

17 Dated: August 31, 2010

s/ Sengthiene Bosavanh
(As authorized by email)
SENGTHIENE BOSAVANH
Attorney for Plaintiff

19 Date: August 31, 2010

BENJAMIN B. WAGNER
United States Attorney

21 By s/ Leslie Alexander
LESLIE ALEXANDER
Special Assistant U. S. Attorney

23 Attorneys for Defendant

24 IT IS SO ORDERED.

25 Dated: September 1, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE