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8 Attorneys for Defendant

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

12  
 13 BECKY CONTRERAS )  
 FOR MINOR SON )  
 14 MARIANO SERRANO, )

15 Plaintiff, )

16 v. )

17 MICHAEL J. ASTRUE, )  
 Commissioner of Social Security, )

18 Defendant. )  
 19 \_\_\_\_\_ )

1:10cv01028 DLB

STIPULATION AND ORDER AWARDING  
 ATTORNEY FEES UNDER THE  
 EQUAL ACCESS TO JUSTICE ACT,  
 28 U.S.C. § 2412(d)

20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,  
 21 subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice  
 22 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE THOUSAND, NINE HUNDRED  
 23 DOLLARS AND NO CENTS (\$3,900.00). This amount represents compensation for all legal services  
 24 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28  
 25 U.S.C. § 2412(d).

26 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 27 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney. Pursuant  
 28 to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend

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

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

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

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

15 Dated: November 10, 2011

/s/Bess M. Brewer  
(As authorized via email)

17 BESS M. BREWER  
Attorney for Plaintiff

18 BENJAMIN B. WAGNER  
19 United States Attorney  
20 DONNA L. CALVERT  
Acting Regional Chief Counsel, Region IX  
21 Social Security Administration

22 Dated: November 10, 2011 By

/s/ Peter K. Thompson  
23 PETER K. THOMPSON  
24 Special Assistant U.S. Attorney

25  
26 IT IS SO ORDERED.

27 Dated: November 14, 2011

/s/ Dennis L. Beck  
28 UNITED STATES MAGISTRATE JUDGE