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8 Attorneys for Defendant

**UNITED STATES DISTRICT COURT,
 EASTERN DISTRICT OF CALIFORNIA
 FRESNO DIVISION**

11 ABRAHAM CHAPA III,
 12 Plaintiff,
 13 vs.
 14 MICHAEL J. ASTRUE,
 15 Commissioner of Social Security,
 16 Defendant.

CASE NO. 1:10-CV-01956-GSA
**STIPULATION AND ORDER SETTLING
 ATTORNEY’S FEES PURSUANT TO THE
 EQUAL ACCESS TO JUSTICE ACT, 28
 U.S.C. § 2412(d)**

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND
 21 NINE HUNDRED DOLLARS (\$5,900.00). This amount represents compensation for all legal
 22 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 23 accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the
 25 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and
 26 costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to
 27 honor the assignment will depend on whether the fees, expenses and costs are subject to any
 28

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

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

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

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

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16 Respectfully submitted,

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18 Dated: February 13, 2012

/s/ Harvey P. Sackett

HARVEY P. SACKETT,
Attorney for Plaintiff
[as authorized by email]

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Dated: February 13, 2012

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

By: /s/ Theophous H. Reagans
THEOPHOUS H. REAGANS
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

The foregoing stipulation, filed with this Court on February 13, 2012, is HEREBY adopted and approved.

IT IS SO ORDERED.

Dated: February 14, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE