

1 BENJAMIN B. WAGNER
 United States Attorney
 2 DONNA L. CALVERT
 Acting Regional Chief Counsel, Region IX
 3 Social Security Administration
 KATHRYN R. WATSON
 4 Special Assistant United States Attorney

5 333 Market Street, Suite 1500
 San Francisco, California 94105
 6 Telephone: (415) 977-8928
 Facsimile: (415) 744-0134
 7 E-Mail: Kathryn.Watson@ssa.gov

8 Attorneys for Defendant

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

13 MARY KATHERINE MUSSENDEN,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 MICHAEL J. ASTRUE,)
 Commissioner of)
 17 Social Security,)
)
 18 Defendant.)
 _____)

Case No. 1:10cv02313 LJO DLB
 STIPULATION AND ORDER FOR THE
 AWARD OF ATTORNEY FEES

19
 20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 21 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
 22 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of six thousand dollars and no cents
 23 (\$6,000.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by
 24 counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 26 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney. Pursuant
 27 to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether
 28 the fees, expenses are subject to any offset allowed under the United States Department of the Treasury’s

1 Offset Program. After the order for EAJA fees and expenses is entered, the government will determine
2 whether they are subject to any offset.

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

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

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

14
15 Respectfully submitted,

16
17 Dated: March 8, 2012

/s/ Sengthiene Bosavanh
(As authorized via email)
SENGTHIEN BOSVANH
Attorney for Plaintiff

18
19
20 Dated: March 8, 2012

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

21
22
23 /s/ Kathryn R. Watson
KATHRYN R. WATSON
Special Assistant United States Attorney
Social Security Administration
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS SO ORDERED that fees and expenses in the amount of \$6,000.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: March 8, 2012

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE