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 10 IN THE UNITED STATES DISTRICT COURT FOR
 11 THE EASTERN DISTRICT OF CALIFORNIA
 12 **FRESNO DIVISION**

13 **FRANK AZEVEDO,**)
 14 Plaintiff,)
 15 vs.)
 16 **CAROLYN W. CALVERT,**)
 17 COMMISSIONER OF SOCIAL)
 18 SECURITY,)
 19 Defendant.)
 20)

Civil Action No. 1:11-cv-01341-AWI-SAB
**STIPULATION AND PROPOSED
 ORDER SETTLING ATTORNEY'S
 FEES PURSUANT TO THE EQUAL
 ACCESS TO JUSTICE ACT, 28 U.S.C.
 § 2412(d)**

21 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel
 22 that, subject to the approval of the Court, Plaintiff be awarded attorney fees in the amount of
 23 \$5,250.00 under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412(d) and expenses in the
 24 amount of \$50.00 under 28 U.S.C. § 1920, for a total amount of Five Thousand, Three Hundred
 25 Dollars and Zero Cents (\$5,300.00). This amount represents compensation for all legal services
 26 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
 27 U.S.C. § 2412(d).
 28

1 After the Court issues an Order for EAJA Fees and expenses to Plaintiff, the government will
2 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.
3 Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2010 WL 2346547 (U.S. June 14, 2010), the ability to
4 honor the assignment will depend on whether the fees and expenses are subject to any offset allowed
5 under the United States Department of Treasury's Offset Program. After Order for EAJA fees and
6 expenses is entered, the government will determine whether they are subject to any offset.
7

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

12 This stipulation constitutes a compromise settlement of Plaintiffs request for EAJA attorney
13 fees, and does not constitute an admission of liability on the part of Defendant under the
14 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all
15 claims that Plaintiff, and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses
16 in connection with this action.
17

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

20 Respectfully submitted,

21 Dated: August 16, 2013

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

24 Date: August 16, 2013

BENJAMIN B. WAGNER
United States Attorney

/s/ Armand D. Roth
Armand D. Roth, Esq.
Special Assistant U.S. Attorney

Attorneys for Defendant

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of \$5,250.00 under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412(d) and expenses in the amount of \$50.00 under 28 U.S.C. § 1920, subject to the terms of the above-referenced Stipulation.

APPROVED AND SO ORDERED:

IT IS SO ORDERED.

Dated: August 16, 2013



SENIOR DISTRICT JUDGE