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7 Attorneys for Defendant

8 **UNITED STATES DISTRICT COURT,**  
 9 **EASTERN DISTRICT OF CALIFORNIA**  
 10 **SACRAMENTO DIVISION**

11 NORA ELIZABETH DIAZ,

CASE NO. 1:12-CV-00660-SKO

12 Plaintiff,

**STIPULATION AND ORDER SETTLING**  
**ATTORNEY'S FEES PURSUANT TO THE**  
**EQUAL ACCESS TO JUSTICE ACT, 28**  
**U.S.C. § 2412(d) AND COURT COSTS**  
**PURSUANT TO 28 U.S.C. § 1920**

13 vs.

14 CAROLYN V. COLVIN,  
 15 Acting Commissioner of Social Security,

16 Defendant.

17 \_\_\_\_\_

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 THREE  
 21 THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$3,750.00) and Court costs in the  
 22 amount of THREE HUNDRED AND FIFTY DOLLARS (\$350.00), pursuant to 28 U.S.C.  
 23 § 1920. This amount represents compensation for all legal services rendered on behalf of  
 24 Plaintiff by 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, expenses and costs to Plaintiff, the  
 26 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and  
 27 costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to  
 28 honor the assignment will depend on whether the fees, expenses and costs are subject to any

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 Andrew T. Koenig, 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.

15  
16 Respectfully submitted,

17  
18 Dated: April 23, 2013

/s/Andrew T. Koenig  
ANDREW T. KOENIG  
Attorney for Plaintiff  
[as authorized by telephone]

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21 Dated: April 23, 2013

BENJAMIN B. WAGNER  
United States Attorney  
GRACE M. KIM  
Regional Chief Counsel, Region IX  
Social Security Administration

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25 By: /s/ Theophous H. Reagans  
THEOPHOUS H. REAGANS  
Special Assistant U.S. Attorney  
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27 Attorneys for Defendant  
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**ORDER**

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that Plaintiff shall be awarded attorney fees in the amount of THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$3,750.00) and Court costs in the amount of THREE HUNDRED AND FIFTY DOLLARS (\$350.00), subject to the terms of the above-referenced Stipulation.

IT IS SO ORDERED.

**Dated:** April 25, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE