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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA
17 FRESNO DIVISION

18 LATANYA DENISE CROSBY,) Case No.: 1:12-CV-00960-SKO
19)
20) **STIPULATION AND**
21 Plaintiff,) **ORDER FOR THE AWARD OF EQUAL**
22) **ACCESS TO JUSTICE FEES AND COSTS**
23 v.)
24)
25 CAROLYN W. COLVIN,)
26 Acting Commissioner of Social Security,¹)
27)
28 Defendant.)

29 The parties hereby stipulate through counsel that, subject to the Court's approval,
30 Plaintiff shall be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C.
31 §§ 1920 and 2412(d), in the amount of TWO-THOUSAND, NINE-HUNDRED NINETY FIVE
32 DOLLARS AND FIFTY-FIVE CENTS (\$2,995.55) in attorney fees and SIXTY DOLLARS

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36 ¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.
37 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be
38 substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
U.S.C. § 405(g).

1 (\$60.00) in costs. This amount represents compensation for all legal services rendered to
2 Plaintiff by counsel in connection with this civil action, and is awarded in accordance with 28
3 U.S.C. §§ 1920, 2412(d).

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

10 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
11 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
12 be made directly to Cyrus Safa, pursuant to the assignment executed by Plaintiff. In such case,
13 any payments made shall be delivered to Plaintiff's counsel.

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

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

21 Respectfully submitted,

22
23 LAW OFFICES OF LAWRENCE D. ROHLFING

24 Dated: May 29, 2013

By: /s/ Cyrus Safa*

*By telephonic authorization on May 24, 2013
25 CYRUS SAFA
26 Attorneys for Plaintiff

27 Dated: May 29, 2013

BENJAMIN B. WAGNER
28 United States Attorney
GRACE M. KIM

1 Regional Chief Counsel, Region IX Social Security
2 Administration

3 By: /s/ Cynthia B. De Nardi
4 CYNTHIA B. DE NARDI
5 Special Assistant U.S. Attorney

6 Attorneys for Defendant

7 OF COUNSEL TO DEFENDANT:

8 LARA A. BRADT
9 Assistant Regional Counsel
10 Social Security Administration

11 **ORDER**

12 Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that Plaintiff shall be
13 awarded TWO-THOUSAND, NINE-HUNDRED NINETY FIVE DOLLARS AND
14 FIFTY-FIVE CENTS (\$2,995.55) in attorney fees and SIXTY DOLLARS (\$60.00) in costs,
15 subject to the terms of the above-referenced Stipulation.

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19 IT IS SO ORDERED.

20 Dated: June 5, 2013

/s/ Sheila K. Oberto
21 UNITED STATES MAGISTRATE JUDGE