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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION
12

13 RITA VARGAS DE RODRIGUEZ,) No. 1:12-CV-01469-AWI-BAM
14)
15 Plaintiff,) STIPULATION AND ORDER FOR THE
16) AWARD AND PAYMENT OF
17 v.) ATTORNEY FEES AND EXPENSES
18 CAROLYN W. COLVIN, Acting) PURSUANT TO THE EQUAL ACCESS
Commissioner of Social Security,) TO JUSTICE ACT, 28 U.S.C. § 2412(d),
19 Defendant.) AND COSTS PURSUANT TO 28 U.S.C. §
) 1920
)
)

21 IT IS HEREBY STIPULATED by and between the parties through their undersigned
22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
23 amount of FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00) under the Equal
24 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for
25 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action,
26 in accordance with 28 U.S.C. §§ 1920; 2412(d).

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
28 the matter of Plaintiff's assignment of EAJA fees to counsel Sengthiene Bosavanh, Esq

1 (Counsel). Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91
2 (2010), the ability to honor the assignment will depend on whether the fees are subject to any
3 offset allowed under the United States Department of the Treasury's Offset Program. After the
4 order for EAJA fees is entered, the government will determine whether they are subject to any
5 offset.

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
7 determines that Plaintiff does not owe a federal debt, then the government shall cause the
8 payment of fees, expenses and costs to be made directly to Counsel, pursuant to the assignment
9 executed by Plaintiff. Any payments made shall be delivered to Counsel.

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

15 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek
16 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause
17 provisions of the EAJA.

18 Respectfully submitted,

19 Dated: January 31, 2015

20 SENGTHIENE BOSAVANH, Esq.

21 By: /s/ Sengthiene Bosovanh
22 SENGTHIENE BOSOVANH
23 * By email authorization on 1/31/15
Attorneys for Plaintiff

24 Dated: January 31, 2015

25 BENJAMIN WAGNER
United States Attorney

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27 By: /s/ Marla K. Letellier
28 MARLA K. LETELLIER
Special Assistant United States Attorney

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00), as authorized by 28 U.S.C. § 2412(d), pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010) and subject to the terms of the above-referenced Stipulation.

IT IS SO ORDERED.

Dated: February 2, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE