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7 Attorneys for Defendant

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

11
 12 TIFFANY NICOLE HAYNES,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Commissioner of)
 16 Social Security,)
)
 17 Defendant.)
 _____)

CIVIL NO. 2:03-CV-00497-JFM

14 STIPULATION AND PROPOSED ORDER
 APPROVING SETTLEMENT OF
 15 ATTORNEY FEES PURSUANT TO THE
 16 EQUAL ACCESS TO JUSTICE ACT

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 19 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 20 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 21 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND, ONE HUNDRED DOLLARS
 22 AND ZERO CENTS (\$5,100.00). This amount represents compensation for all legal services rendered
 23 on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
 24 § 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.
 27 Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment

28 Stip. & Proposed Order Settling Fees

1 will depend on whether the fees and expenses are subject to any offset allowed under the United States
2 Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered,
3 the government will determine whether they are subject to any offset.

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

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

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

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16 Dated: November 29, 2011

/s/ Bess M. Brewer
(As authorized via email)

BESS M. BREWER
Attorney for Plaintiff

BENJAMIN B. WAGNER
United States Attorney

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22 Dated: November 30, 2011

By: /s/ David Lerch
DAVID LERCH
Special Assistant United States Attorney

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PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FIVE THOUSAND, ONE HUNDRED DOLLARS AND ZERO CENTS (\$5,100.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: December 7, 2011.


UNITED STATES MAGISTRATE JUDGE