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8 Attorneys for Defendant

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

12 BEN BANKS,)
 13 Plaintiff,)
 14 v.)
 15 MICHAEL J. ASTRUE,)
 16 Commissioner of)
 Social Security,)
 17 Defendant.)
 18 _____)

CIVIL NO. 2:07-CV-1754 KJM

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

19 It is stipulated by the parties through their undersigned counsel, with the Court's approval, that
 20 Plaintiff, BEN BANKS, be awarded attorney's fees under the Equal Access to Justice Act (EAJA) in the
 21 amount of FOUR THOUSAND SIX HUNDRED FIFTY (\$4,650.00), for compensation for legal
 22 services rendered on Plaintiff's behalf, pursuant to 28 U.S.C. § 2412(d), plus THREE HUNDRED
 23 SEVENTY-TWO DOLLARS AND FIFTY-THREE/100's DOLLARS (\$372.53) in court costs and
 24 expenses, thereby constituting a compromise settlement for all fees under the EAJA in this action, but
 25 not constituting any admission of Defendant's liability under the EAJA in this action.

26 Payment of attorney's fees in the amount of FOUR THOUSAND SIX HUNDRED FIFTY
 27 (\$4,650.00), and court costs and expenses in the amount of THREE HUNDRED SEVENTY-TWO
 28 DOLLARS AND FIFTY-THREE/100's DOLLARS (\$372.53), shall constitute a complete release from

1 and bar to any and all claims of Plaintiff relating to EAJA fees and court costs and expenses in
2 connection with this action, without prejudice to any future request for fees under the Social Security
3 Act, 42 U.S.C. § 406(b).

4 The parties further agree that Plaintiff has executed a valid assignment of all right, title and
5 interest in and to said attorney's fees and costs under the EAJA, in favor of and to his attorney of record,
6 Robert Ishikawa. The parties stipulate and agree that the EAJA fees and costs shall be paid directly to:

7 Harvey P. Sackett
8 Sackett and Associates
9 P. O. Box 5025
10 San Jose, CA 95150-5025.

11 WHEREFORE, Plaintiff and Defendant respectfully request that the Court approve their
12 stipulation and agreement, and enter their proposed Order as agreed.

13 Respectfully submitted,

14 Dated: October 30, 2008.

15 /s/ Harvey P. Sackett
16 (As authorized via facsimile)
17 HARVEY P. SACKETT
18 Attorney for Plaintiff

19 Dated: October 30, 2008

20 MCGREGOR W. SCOTT
21 United States Attorney
22 LUCILLE GONZALES MEIS
23 Regional Chief Counsel, Region IX
24 Social Security Administration

25 /s/ Sarah Ryan
26 SARAH RYAN
27 Special Assistant U.S. Attorney

28 Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED.

DATED: January 21, 2009.


U.S. MAGISTRATE JUDGE