

1 BENJAMIN B. WAGNER
 2 United States Attorney
 3 LUCILLE GONZALES MEIS
 4 Regional Chief Counsel, Region IX
 5 Social Security Administration
 6 DANIEL P. TALBERT
 7 Special Assistant United States Attorney
 8 333 Market Street, Suite 1500
 9 San Francisco, California 94105
 10 Telephone: (415) 977-8926
 11 Facsimile: (415) 744-0134
 12 E-Mail: Daniel.Talbert@ssa.gov

13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA
 16 SACRAMENTO DIVISION

17 SHAWN GUSTAFSON,)	Case No. 2:08-CV-00612-DAD
18 Plaintiff,)	
19 v.)	STIPULATION AND ORDER FOR THE
)	AWARD OF ATTORNEY FEES PURSUANT
20 MICHAEL J. ASTRUE,)	TO THE EQUAL ACCESS TO JUSTICE ACT,
21 Commissioner of Social Security,)	28 U.S.C. § 2412(d)
22 Defendant.)	
)	

23 IT IS HEREBY STIPULATED by and between the parties through their
 24 undersigned counsel, subject to the approval of the Court, that the previously filed Equal
 25 Access to Justice Act (EAJA) application is hereby withdrawn.

26 IT IS HEREBY STIPULATED by and between the parties through their
 27 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
 28 attorney fees under the EAJA in the amount of FIVE THOUSAND FIVE HUNDRED
 dollars and 0 cents (\$5,500.00). This amount represents compensation for all legal
 services rendered on behalf of Plaintiff, to date, by counsel in connection with this civil
 action, in accordance with 28 U.S.C. § 2412.

1 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
2 attorney fees, and does not constitute an admission of liability on the part of Defendant
3 under the EAJA. Payment of FIVE THOUSAND FIVE HUNDRED dollars and 0 cents
4 (\$5,500.00) in EAJA fees, shall constitute a complete release from and bar to any and all
5 claims Plaintiff may have relating to EAJA fees in connection with this civil action. Any
6 payment shall be made payable to Plaintiff and delivered to Plaintiff's counsel, unless
7 Plaintiff does not owe a federal debt. If the United States Department of the Treasury
8 determines that Plaintiff does not owe a federal debt, the government will accept Plaintiff's
9 assignment of EAJA Fees and pay fees directly to Plaintiff's counsel.

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

12 Respectfully submitted July 12, 2010.

13
14
15 Dated: July 15, 2010

Respectfully submitted,

/s/ Bess M. Brewer

(As authorized via email)

BESS M. BREWER

Attorney for Plaintiff

BENJAMIN B. WAGNER

United States Attorney

16
17
18
19
20
21 Date: July 16, 2010

By s/ Daniel P. Talbert

DANIEL P. TALBERT

Special Assistant U. S. Attorney

Attorneys for Defendant Michael J. Astrue

ORDER

APPROVED AND SO ORDERED. The Clerk of the Court shall modify the docket to reflect that Plaintiff's Motion for an Award of Attorney's Fees filed June 29, 2010 (Doc. No. 35) has been withdrawn.

DATED: July 16, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

Ddad1/orders.soc sec/
gustafson0612.stipord.attyfee.EAJA