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Attorneys for Defendant

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

11 LAKENYA R. BOLDEN,  
 12  
 Plaintiff,  
 13  
 vs.  
 14  
 MICHAEL J. ASTRUE,  
 15 Commissioner of Social Security,  
 16  
 Defendant.

CASE NO. 2:08-CV-01481-GEB-EFB  
**STIPULATION AND ORDER SETTling  
 ATTORNEY'S FEES PURSUANT TO THE  
 EQUAL ACCESS TO JUSTICE ACT, 28  
 U.S.C. § 2412(d)**

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18 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
 19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the  
 20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TEN THOUSAND  
 21 SEVEN HUNDRED FIFTY DOLLARS (\$10,750), and costs in the amount of ONE HUNDRED  
 22 FORTY-EIGHT DOLLARS AND FOURTEEN CENTS (\$148.14). This amount represents  
 23 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with  
 24 this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the  
 26 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and  
 27 costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to  
 28

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

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

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

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

16  
17 Respectfully submitted,

18  
19 Dated: June 21, 2011

/s/ Ann M. Cerney  
ANN M. CERNEY,  
Attorney for Plaintiff  
[as authorized by email]

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Dated: June 21, 2011

BENJAMIN B. WAGNER  
United States Attorney  
LUCILLE GONZALES MEIS  
Regional Chief Counsel, Region IX  
Social Security Administration

By: /s/ David Lerch  
DAVID LERCH  
Special Assistant U.S. Attorney  
  
Attorneys for Defendant

**ORDER**

APPROVED AND SO ORDERED:

DATED: June 24, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE