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8 Attorneys for Defendant

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

13 RELETHEA E. DAVIS, )  
 )  
 14 Plaintiff, )  
 )  
 15 v. )  
 )  
 16 MICHAEL J. ASTRUE, )  
 Commissioner of )  
 Social Security, )  
 17 )  
 18 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 2:08-cv-02096-EFB

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

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 21 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to  
 22 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE THOUSAND TWO HUNDRED  
 23 NINETY NINE DOLLARS AND THIRTY SIX CENTS (\$3,299.36). This amount represents  
 24 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this  
 25 civil action, in accordance with 28 U.S.C. § 2412(d).

26 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 27 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant  
 28 to Astrue v. Ratliff, – S.Ct. –, 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the

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

15  
16 Respectfully submitted,

17  
18 Dated: July 29, 2010

19 By: /s/ Bess M. Brewer  
20 BESS M. BREWER  
21 (via email authorization)  
22 Attorney for Plaintiff

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28 ////

1 Dated: July 29, 2010

BENJAMIN B. WAGNER  
United States Attorney

2  
3 By: /s/ Odell Grooms  
ODELL GROOMS  
4 Special Assistant United States Attorney  
Attorneys for Defendant, Commissioner of  
5 Social Security

6  
7 **ORDER**

8 **APPROVED AND SO ORDERED.**

9 DATED: August 3, 2010.

10   
11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE

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