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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

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

CIVIL NO. 2:08-CV-02557 DAD

18
 19 STIPULATION AND ORDER APPROVING
 20 SETTLEMENT OF ATTORNEY FEES
 21 PURSUANT TO THE EQUAL ACCESS TO
 22 JUSTICE ACT

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 NO CENTS (\$5,100.00). This amount represents compensation for all legal services rendered on
 23 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. Pursuant
 27 to Astrue v. Ratliff, 130 S. Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will
 28 depend on whether the fees and expenses are subject to any offset allowed under the United States

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

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

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

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

14 Dated: December 21, 2010 */s/ Bess M. Brewer*
15 *(As authorized via email)*

16 BESS M. BREWER
17 Attorney for Plaintiff

18 BENJAMIN B. WAGNER
19 United States Attorney

20 Dated: December 21, 2010 By: */s/ Theophous H. Reagans*
21 THEOPHOUS H. REAGANS
22 Special Assistant United States Attorney

23 ORDER

24 IT IS ORDERED that Plaintiff shall be awarded attorney fees pursuant to 28 U.S.C. § 2412(d) in
25 the amount of FIVE THOUSAND, ONE-HUNDRED DOLLARS AND NO CENTS (\$5,100.00),
26 subject to the terms of the parties' stipulation. Plaintiff's motion for attorney fees (Doc. No. 32) is moot.

27 DATED: December 23, 2010.

28 

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE