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

11	YA CHANG,	)	
12	Plaintiff,	)	CIVIL NO. 2:08-cv3132 DAD
13	v.	)	
14	MICHAEL J. ASTRUE,	)	STIPULATION AND ORDER APPROVING
15	Commissioner of	)	SETTLEMENT OF ATTORNEY FEES
16	Social Security,	)	PURSUANT TO THE EQUAL ACCESS TO
17	Defendant.	)	JUSTICE ACT

18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,  
 19 subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice  
 20 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND, TWO-HUNDRED DOLLARS  
 21 AND ZERO CENTS (\$5,200.00). This amount represents compensation for all legal services rendered  
 22 on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §  
 23 2412(d).

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 25 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney. Pursuant  
 26 to Astrue v. Ratliff, 130 S. Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will  
 27 depend on whether the fees and expenses are subject to any offset allowed under the United States  
 28 Department of the Treasury’s Offset Program. After the order for EAJA fees and expenses is entered,  
 the government will determine whether they are subject to any offset.

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

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

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

12 Dated: December 8, 2010

*/s/Bess M. Brewer*  
*(As authorized via email)*

14 BESS M. BREWER  
Attorney for Plaintiff

16 BENJAMIN B. WAGNER  
United States Attorney

17 Dated: December 8, 2010

By: */s/ Shea Lita Bond*  
SHEA LITA BOND  
Special Assistant United States Attorney

19 **ORDER**

20 Pursuant to stipulation, IT IS ORDERED that Plaintiff shall be awarded attorney fees in the  
21 amount of FIVE THOUSAND, TWO-HUNDRED DOLLARS AND ZERO CENTS (\$5,200.00), as  
22 authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced stipulation. Plaintiff's  
23 motion for an award of attorney fees under the EAJA (Doc. No. 22) is rendered moot by this order.

24 DATED: December 9, 2010.

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27 \_\_\_\_\_  
DALE A. DROZD  
28 UNITED STATES MAGISTRATE JUDGE