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13 Attorneys for Defendant

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

17 DARRYL JENKINS,)	Case No. 2:09-CV-01084-GGH
18 Plaintiff,)	
19 v.)	STIPULATION AND PROPOSED ORDER FOR
)	THE AWARD OF ATTORNEY FEES PURSUANT
)	TO THE EQUAL ACCESS TO JUSTICE ACT,
20 MICHAEL J. ASTRUE,)	28 U.S.C. § 2412(d)
21 Commissioner of Social Security,)	
22 Defendant.)	
)	

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 25 (EAJA) application is hereby withdrawn.

26 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 27 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 28 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,

1 by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

2 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
3 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
4 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment
5 will depend on whether the fees and expenses are subject to any offset allowed under the United
6 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses
7 is entered, the government will determine whether they are subject to any offset.
8
9

10 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
11 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment
12 of fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment
13 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
14

15 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
16 attorney fees and expenses, and does not constitute an admission of liability on the part of
17 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
18 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
19 EAJA attorney fees and expenses in connection with this action.
20

21 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
22 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
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24 Respectfully submitted June 23, 2011.

25
26 Respectfully submitted,

27 Dated: June 22, 2011

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

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BESS M. BREWER
Attorney for Plaintiff

BENJAMIN B. WAGNER
United States Attorney

Date: June 23, 2011

By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U. S. Attorney

Attorneys for Defendant Michael J. Astrue

ORDER

APPROVED AND SO ORDERED.

DATED: June 27, 2011

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE