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13 Attorneys for Defendant

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

17	ANGELA SHANKLES,	)	Case No. 2:09-CV-01258-KJN
18	Plaintiff,	)	
19	v.	)	STIPULATION AND PROPOSED ORDER FOR
20		)	THE AWARD OF ATTORNEY FEES PURSUANT
21		)	TO THE EQUAL ACCESS TO JUSTICE ACT,
22	MICHAEL J. ASTRUE,	)	28 U.S.C. § 2412(d)
23	Commissioner of Social Security,	)	
24	Defendant.	)	
25		)	

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 28 Access to Justice Act (EAJA) application is hereby withdrawn.

29 IT IS HEREBY STIPULATED by and between the parties through their  
 30 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded  
 31 attorney fees under the EAJA in the amount of TWO THOUSAND EIGHT HUNDRED  
 32 EIGHTY-SEVEN dollars and FIFTY cents (\$2,887.50). This amount represents  
 33 compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in  
 34 connection with this civil action, in accordance with 28 U.S.C. § 2412.

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

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

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

17 This award is without prejudice to the rights of Plaintiff's counsel to seek Social  
18 Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.  
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1 Respectfully submitted February 18, 2011

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3 Respectfully submitted,

4 Dated: February 18, 2011

/s/ Jesse S. Kaplan  
(As authorized via email)  
JESSE S. KAPLAN  
Attorney for Plaintiff

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8 BENJAMIN B. WAGNER  
United States Attorney

9 Date: February 18, 2011

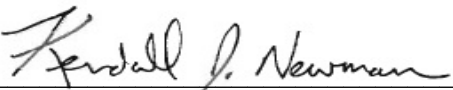
10 By s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant U. S. Attorney

11  
12 Attorneys for Defendant Michael J. Astrue

13  
14 ORDER

15 Pursuant to the stipulation filed by the parties, IT IS HEREBY ORDERED that  
16 plaintiff's counsel, as assignee, shall be awarded attorney fees in the amount of TWO  
17 THOUSAND EIGHT HUNDRED EIGHTY-SEVEN dollars and FIFTY cents  
18 (\$2,887.50), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced  
19 stipulation.  
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21 DATED: February 22, 2011

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24 KENDALL J. NEWMAN  
25 UNITED STATES MAGISTRATE JUDGE  
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