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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 CRISTY R. MCDOWELL,)
13)
14 Plaintiff,) Case No. 2:09-CV-01293-DAD
15 v.) STIPULATION AND ORDER
16) FOR AWARD OF EAJA FEES
17)
18 MICHAEL J. ASTRUE,)
19 Commissioner of)
Social Security,)
20 Defendant.)
_____)

21 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
22 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
23 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TWO THOUSAND ONE HUNDRED
24 TWENTY THREE DOLLARS and 42/100's (\$2,123.42). This amount represents compensation for all
25 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
26 accordance with 28 U.S.C. § 2412(d).

27 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
28 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant

1 to Astrue v. Ratliff, – S.Ct. – , 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the
2 assignment will depend on whether the fees, expenses are subject to any offset allowed under the United
3 States Department of the Treasury’s Offset Program. After the order for EAJA fees and expenses is
4 entered, the government will determine whether they are subject to any offset.

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

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

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

16
17 DATE: March 17, 2011

/s/ Francesco Benavides for Bess M. Brewer*
BESS M. BREWER
Attorney at Law
(* by email authorization on March 16, 2011)

Attorney for Plaintiff

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22 DATE: March 17, 2011

BENJAMIN B. WAGNER
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Social Security Administration

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25 By: /s/ Francesco P. Benavides
FRANCESCO P. BENAVIDES
Special Assistant U.S. Attorney

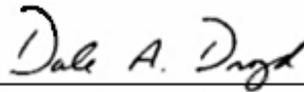
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28 Attorneys for Defendant

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ORDER

Based upon the parties' Stipulation for Award of EAJA Fees ("Stipulation"), IT IS ORDERED that Plaintiff is awarded attorney's fees pursuant to the Equal Access to Justice Act ("EAJA") in the amount of TWO THOUSAND ONE HUNDRED TWENTY THREE DOLLARS and 42/100's (\$2,123.42), as authorized by 28 U.S.C. § 2412(d), and subject to the terms and conditions of the Stipulation.

Date: 3/18/2011



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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