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8 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
 12 **SACRAMENTO DIVISION**

13 GARY HOLLOMAN)	Case No. 09-CV-1400-EFB
Plaintiff,)	STIPULATION AND ORDER SETTLING
v.)	
15 MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
17 Defendant.)	
18)	ATTORNEY'S FEES PURSUANT TO
19)	THE EQUAL ACCESS TO JUSTICE ACT,
)	28 U.S.C. § 2412(d)

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 22 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE
 23 THOUSAND NINE HUNDRED DOLLARS AND 00/CENTS (\$3,900.00). This amount
 24 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 25 connection with this civil action, in accordance with 28 U.S.C. §§ 1920,] 2412(d).

26 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 27 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
 28 attorney. Pursuant to *Astrue v. Ratliff*, – S.Ct. –, 2010 WL 2346547 (U.S. June 14, 2010), the

1 ability to honor the assignment will depend on whether the fees and expenses are subject to any
2 offset allowed under the United States Department of the Treasury's Offset Program. After the
3 order for EAJA fees and expenses is entered, the government will determine whether they are
4 subject to any offset.

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

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

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

16 Additionally, the parties shall deem withdrawn Plaintiff's motion and memorandum
17 regarding EAJA, filed with the court on December 9, 2010 (Docket No. 25), upon approval of
18 this stipulation by the Court (by execution of the attached Order).

19
20 Respectfully submitted,

21 LAW OFFICE OF BESS M. BREWER & ASSOCIATES

22 Date: December 15, 2010

/s/Bess M. Brewer*

23 BESS M. BREWER (* via email authorization dated
24 December 15, 2010)

25 Attorney for Plaintiff
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BENJAMIN B. WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Social Security Administration

Date: December 15, 2010 By: /s/Jacob M. Mikow
JACOB M. MIKOW
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED:

Dated: Decmeber 16, 2010


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE