

**FILED**

NOV 30 2010

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

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5 State Bar #103137

6 Attorney for Plaintiff

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 JOSEPH VICTOR JOHNSON,

10 Plaintiff,

11 v.

12 MICHAEL J. ASTRUE,  
13 Commissioner of the  
14 Social Security Administration,

15 Defendant.

CIV. NO. 2:09-CV-01603 GGH

STIPULATION FOR ATTORNEY  
FEES UNDER THE EQUAL  
EQUAL ACCESS TO JUSTICE ACT

(SS) Johnson, v. Commissioner of Social Security

Doc. 21

17 IT IS HEREBY STIPULATED by and between the parties through their  
18 undersigned counsel, subject to the approval of the Court, that Plaintiff be  
19 awarded attorney fees under the Equal Access to Justice Act (EAJA), in the  
20 amount of SIX THOUSAND FIVE HUNDRED dollars (\$6,500). This amount  
21 represents compensation for all legal services rendered on behalf of Plaintiff by  
22 counsel in connection with his civil action, in accordance with 28 U.S.C. Section  
23 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government  
25 will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's  
26 attorney. Pursuant to Astrue v. Ratliff, - S.Ct. -, 2010 WL 2346547 (U.S. June 14,  
27 2010), the ability to honor this agreement will depend on whether the fees are  
28 subject to any offset allowed under the United States Department of Treasury's

1 Offset Program. After the order for EAJA fees is entered, the government will  
2 determine whether they are subject to any offset.

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

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

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

17 DATED: November 19, 2010

Respectfully Submitted,

18  
19           /s/  John V. Johnson          

20 Attorney for Plaintiff

21  
22           /s/  Armand Roth          

23 Attorney for Defendant

24 Approved.  
25 Dated: Nov 30, 2010

26 GREGORY G. HOLLOWS

27           Gregory            
28 U.S. Magistrate Judge