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13 Attorneys for Defendant

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

17 DEBORAH CROFT)	Case No. 2:09-CV-01656-KJN
18 Plaintiff,)	
19 v.)	STIPULATION AND PROPOSED ORDER FOR
20 MICHAEL J. ASTRUE,)	THE AWARD OF ATTORNEY’S FEES
21 Commissioner of Social Security,)	PURSUANT TO THE EQUAL ACCESS TO
22 Defendant.)	JUSTICE ACT, 28 U.S.C. § 2412(d)
)	

23 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 24 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 25 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND
 26 THREE DOLLARS AND 00 CENTS (\$5,300.00). This amount represents compensation for all
 27 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 28 accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider

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

7 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
8 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
9 expenses and costs to be made directly to Plaintiff's counsel, Bess M. Brewer, pursuant to the
10 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
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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 under the
14 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
15 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in
16 connection with this action.
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18 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
19 Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.
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Dated: August 5, 2010

Respectfully submitted,
BESS M. BREWER
Bess M. Brewer and Associates

Bess M. Brewer*
BESS M. BREWER
(*As authorized via email dated August 5, 2010)

Attorney for Plaintiff

Dated: August 5, 2010

BENJAMIN B. WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration

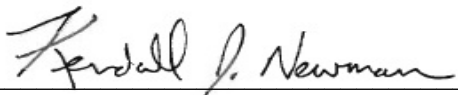
By: Jacob M. Mikow
JACOB M. MIKOW
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that EAJA fees are awarded in the amount of FIVE THOUSAND THREE HUNDRED DOLLARS (\$5,300), subject to the terms of the stipulation.

DATED: August 5, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE