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

NEANA M. OLIVER

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Civil Action No:
2:09-CV-01925-GGH

STIPULATION AND ORDER
FOR COURT ORDER FOR
PAYMENT OF ATTORNEY FEES
UNDER EQUAL ACCESS TO
JUSTICE ACT. 28U.S.C.2412(d)

(SS) Oliver v. Commissioner of Social Security

Doc. 25

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of Five Thousand Two Hundred DOLLARS AND 00/CENTS (\$5200.00)[, and costs in the amount of Eighty-six DOLLARS AND 75/CENTS (\$863.75)]. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees and expenses [and costs] to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses [and costs] to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, – S.Ct. – , 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees, expenses [and costs] are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses [and costs] is entered, the government will determine whether they are subject to any offset.

Fees, expenses [and costs] shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made

1 directly to [Attorney's Name], pursuant to the assignment executed by Plaintiff. Any
2 payments made shall be delivered to Plaintiff's counsel.

3 This stipulation constitutes a compromise settlement of Plaintiff's request for
4 EAJA attorney fees and expenses [and costs], and does not constitute an admission of
5 liability on the part of Defendant under the EAJA. Payment of the agreed amount shall
6 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
7 Plaintiff's counsel may have relating to EAJA attorney fees and expenses [and costs]
8 in connection with this action.

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

12 Respectfully submitted,

13 DATED: December 2, 2010

14 s/ Rick Peasley
15 RICK PEASLEY, Attorney for Plaintiff

16 DATED: December 2, 2010

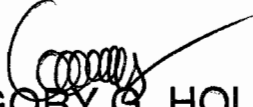
17 BENJAMIN B. WAGNER
18 United States Attorney
19 LUCILLE GONZALES MEIS
20 Regional Chief Counsel, Region IX
21 Social Security Administration

22 By: s/ Jeffrey Chen
23 [As authorized by email on December 2, 2010]
24 Jeffrey Chen
25 Special Assistant U.S Attorney

26 ORDER

27 APPROVED AND SO ORDERED:

DATED: Dec 6, 2010


GREGORY G. HOLLOWS
HON. GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE