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

13 PENNY R. DERREJA,)
14)
15 Plaintiff,) Case No. 2:09-CV-01964-KJN
16 v.) STIPULATION AND [~~PROPOSED~~] ORDER
17) FOR AWARD OF EAJA FEES
18)
19 MICHAEL J. ASTRUE,)
Commissioner of)
20 Social Security,)
Defendant.)
21 _____)

22
23 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
24 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
25 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND SEVEN HUNDRED
26 DOLLARS and 00/100's (\$4,700.00). This amount represents compensation for all legal services
27 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
28 U.S.C. § 2412(d).

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

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

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

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

18
19 DATE: June 23, 2011

/s/ Francesco Benavides for Bess M. Brewer*
BESS M. BREWER
Attorney at Law
(* by email authorization on June 23, 2011)
Attorney for Plaintiff

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23 DATE: June 23, 2011

BENJAMIN B. WAGNER
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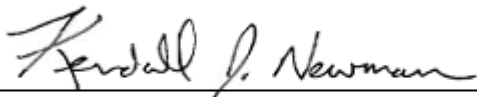
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26 By: /s/ Francesco P. Benavides
27 FRANCESCO P. BENAVIDES
Special Assistant U.S. Attorney
28 Attorneys for Defendant

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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 FOUR THOUSAND SEVEN HUNDRED DOLLARS and 00/100's (\$4,700.00), as authorized by 28 U.S.C. § 2412(d), and subject to the terms and conditions of the Stipulation.

DATED: June 24, 2011



KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE