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13 Attorneys for Defendant

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

17 ELIZABETH DIAZ,

18 Plaintiff,

19 v.

20 MICHAEL J. ASTRUE,  
 21 Commissioner of Social Security,

22 Defendant.

23 Case No. 2:09-cv-2096 KJN

24 **STIPULATION AND PROPOSED**  
 25 **ORDER SETTLING ATTORNEY'S**  
 26 **FEES PURSUANT TO THE EQUAL**  
 27 **ACCESS TO JUSTICE ACT, 28 U.S.C.**  
 28 **§ 2412(d)**

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel that, subject to the approval of the Court, Plaintiff's counsel, as Plaintiff's assignee, be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE THOUSAND SEVEN HUNDRED dollars and 00/100 cents (\$3,700.00). 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. § 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of THREE THOUSAND SEVEN HUNDRED dollars and 00/100 cents (\$3,700.00) in EAJA attorney fees, shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. Any payment

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shall be made payable to Plaintiff's counsel as Plaintiff's assignee and delivered to Plaintiff's counsel.

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

Respectfully submitted,

Dated: May 10, 2010

/s/ Ann Cerney  
(As authorized via email)  
ANN CERNEY  
Attorney for Plaintiff

Dated: May 10, 2010

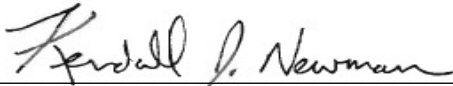
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Social Security Administration

/s/ Shea Lita Bond  
SHEA LITA BOND  
Special Assistant U.S. Attorney  
Attorneys for Defendant

**ORDER**

**APPROVED AND SO ORDERED:**

Dated: May 13, 2010

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE