

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 LUCILLE GONZALES MEIS  
 Regional Chief Counsel, Region IX  
 3 Social Security Administration  
 KATHRYN R. WATSON  
 4 Special Assistant United States Attorney  
  
 5 333 Market Street, Suite 1500  
 San Francisco, California 94105  
 6 Telephone: (415) 977-8928  
 Facsimile: (415) 744-0134  
 7 E-Mail: Kathryn.Watson@ssa.gov

8 Attorneys for Defendant

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

13 BRENDA FIELLEN, )  
 )  
 14 Plaintiff, )  
 )  
 15 v. )  
 )  
 16 MICHAEL J. ASTRUE, )  
 Commissioner of )  
 17 Social Security, )  
 )  
 18 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 2:09-CV-02496-EFB  
 STIPULATION AND ORDER FOR THE  
 AWARD OF ATTORNEY FEES

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 20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 21 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to  
 22 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of five thousand three hundred dollars and no  
 23 cents (\$5,300.00). This amount represents compensation for all legal services rendered on behalf of  
 24 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 26 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.  
 27 Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on  
 28 whether the fees, expenses are subject to any offset allowed under the United States Department of the

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

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

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

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

14  
15 Respectfully submitted,

16  
17 Dated: June 13, 2011

/s/ Bess M. Brewer  
(As authorized via email)  
BESS M. BREWER  
Attorney for Plaintiff

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20 Dated: June 14, 2011

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

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23 /s/ Kathryn R. Watson  
KATHRYN R. WATSON  
Special Assistant United States Attorney  
Social Security Administration  
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**ORDER**

**IT IS SO ORDERED** that fees and expenses in the amount of \$5,300.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

Dated: June 16, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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