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8 Attorneys for Defendant

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

13 PAMELA J. ORTIZ,)
)
 14 Plaintiff,)
)
 15 v.)
)
 16 MICHAEL J. ASTRUE,)
 Commissioner of)
 17 Social Security,)
)
 18 Defendant.)
 _____)

CIVIL NO. 2:09-CV-02641-KJN
 STIPULATION AND ~~PROPOSED~~ ORDER
 FOR THE AWARD OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT, 28 U.S.C. § 2412(d)

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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 SIX THOUSAND THREE HUNDRED
 23 DOLLARS AND 0 CENTS (\$6,300.00). This amount represents compensation for all legal services
 24 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with
 25 28 U.S.C. §§ 1920, 2412(d). The previously filed EAJA motion is hereby withdrawn.

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

1 the fees and expenses are subject to any offset allowed under the United States Department of the
2 Treasury's Offset Program. After the order for EAJA fees and expenses and costs is entered, the
3 government will determine whether they are subject to any offset.

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

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

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

15 Respectfully submitted,

16 Dated: November 15, 2010

s/ Bess Brewer
(As authorized by email)
BESS BREWER
Attorney for Plaintiff

18 Date: November 15, 2010

BENJAMIN B. WAGNER
United States Attorney

20 By s/ Leslie Alexander
LESLIE ALEXANDER
Special Assistant U. S. Attorney

22 Attorneys for Defendant

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ORDER

The parties' stipulation and proposed order are hereby APPROVED AND SO ORDERED. Pursuant to the parties' stipulation, plaintiff's motion for attorney's fees (Dkt. No. 29) is withdrawn.

DATED: November 17, 2010


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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