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9 Attorneys for Defendant Commissioner of Social Security

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

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

CIVIL NO. 09-CV-02946-GGH
 STIPULATION AND ORDER SETTLING
 ATTORNEY'S FEES PURSUANT TO THE
 EQUAL ACCESS TO JUSTICE ACT, 28
 U.S.C. § 2412(d)

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 FOUR THOUSAND THREE HUNDRED
 23 NINETY-TWO DOLLARS AND TWELVE CENTS (\$4,392.12). This amount represents
 24 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this
 25 civil action, in accordance with 28 U.S.C. § 2412(d).

26 If Plaintiff's attorney provides the government with a copy of Plaintiff's assignment of EAJA
 27 fees to Plaintiff's attorney within four weeks of the Court's order adopting this stipulation, the
 28 government will consider the assignment. Pursuant to *Astrue v. Ratliff*, - S.Ct. - , 2010 WL 2346547

1 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees are subject to
2 any offset allowed under the United States Department of the Treasury's Offset Program. After the order
3 for EAJA fees is entered, the government will determine whether they are subject to any offset.

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

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
10 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment
11 of FOUR THOUSAND THREE HUNDRED NINETY-TWO DOLLARS AND TWELVE CENTS
12 (\$4,392.12) shall constitute a complete release from and bar to any and all claims Plaintiff may have
13 relating to EAJA fees in connection with this action. Any payment shall be delivered to Plaintiff's
14 counsel.

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

17 Respectfully submitted,

18 Dated: November 23, 2010

/s/ Joseph Fraulob
JOSEPH FRAULOB
(As authorized via email)

19
20 Attorney for Plaintiff

21 Dated: November 23, 2010

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

22
23
24 /s/Armand Roth
ARMAND ROTH
Special Assistant U.S. Attorney

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26 Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED:

Dated: December 1, 2010

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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