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8 Attorneys for Defendant

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

12  
 13 APRIL REDING, )  
 14 Plaintiff, )  
 15 v. )  
 16 MICHAEL J. ASTRUE, )  
 Commissioner of )  
 17 Social Security, )  
 18 Defendant. )  
 \_\_\_\_\_)

CIVIL NO. 2:09-CV-3078-GGH  
 STIPULATION AND ORDER FOR THE  
 AWARD OF ATTORNEY FEES

19  
 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 two thousand two hundred and fifty dollars  
 23 and no cents (\$2,250.00). This amount represents compensation for all legal services rendered on behalf  
 24 of 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. Pursuant  
 27 to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether  
 28 the fees, expenses are subject to any offset allowed under the United States Department of the Treasury's

1 Offset Program. After the order for EAJA fees and expenses is entered, the government will determine  
2 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 Jesse S. Kaplan, 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 fees  
8 and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA.  
9 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims  
10 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees, expenses, and costs in  
11 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: December 30, 2010

/s/ Jesse S. Kaplan  
(As authorized via email)  
JESSE S. KAPLAN  
Attorney for Plaintiff

18  
19  
20 Dated: December 30, 2010

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

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

**IT IS SO ORDERED** that fees and expenses in the amount of \$2,250.00 as authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

Dated: January 4, 2011

/s/ Gregory G. Hollows  
United States Magistrate Judge

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