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5 Attorneys for Plaintiff

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 7  
 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**  
 10

11 **RICHARD GARCIA**

13 **Plaintiff,**

14 v.

15 **MICHAEL J. ASTRUE**  
 16 **Commissioner of Social Security**  
**of the United States of America,**

17 **Defendant.**

Case No. CIV-10-259 GGH

12 )  
 13 )  
 14 ) **STIPULATION AND ORDER**  
**AWARDING ATTORNEY FEES**  
**UNDER THE EQUAL ACCESS**  
**TO JUSTICE ACT**  
**28 U.S.C. § 2412(d)**  
 15 )  
 16 )  
 17 )  
 18 )

19 \_\_\_\_\_ )  
 20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
 21 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access  
 22 to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND, TWO-HUNDRED  
 23 DOLLARS AND NO CENTS (\$5,200.00). 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 28  
 25 U.S.C. § 2412(d).

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 (U.S. June 14, 2010), the ability to honor the assignment will depend

1 on whether the fees and expenses are subject to any offset allowed under the United States Department  
2 of the Treasury's Offset Program. After the order for EAJA fees and expenses 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, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed  
7 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

15  
16 Dated: January 24, 2012

*/s/Bess M. Brewer*  
BESS M. BREWER  
Attorney at Law

17  
18 Attorney for Plaintiff

19  
20 Dated: January 24, 2012

Benjamin B. Wagner  
United States Attorney  
*/s/ Elizabeth Barry*  
ELIZABETH BARRY  
Special Assistant U.S. Attorney

21  
22  
23 Attorneys for Defendant

24 **ORDER**

25 APPROVED AND SO ORDERED.

26 DATED: January 27, 2012

*/s/ Gregory G. Hollows*  
UNITED STATES MAGISTRATE JUDGE