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8 Attorneys for Defendant

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

13 MICHAEL STANLEY,	)	CIVIL NO. 2:10-CV-00563-EFB
	)	
14 Plaintiff,	)	
	)	STIPULATION AND ORDER APPROVING
15 v.	)	SETTLEMENT OF ATTORNEY FEES
	)	PURSUANT TO THE EQUAL ACCESS TO
16 MICHAEL J. ASTRUE,	)	JUSTICE ACT
Commissioner of	)	
17 Social Security,	)	
	)	
18 Defendant.	)	
	)	

19  
 20 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,  
 21 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice  
 22 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND DOLLARS AND ZERO  
 23 CENTS (\$4,000.00). 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 (U.S. June 14, 2010), the ability to honor the assignment  
 28 will depend on whether the fees and expenses are subject to any offset allowed under the United States

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

3 Fees and 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 Peter Brixie, 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 and expenses 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 offset provisions of the EAJA.

14 Dated: November 28, 2011

By: /s/ Peter Brixie  
(As authorized by email on 11/23/11 at 4:45 p.m.)  
PETER BRXIE  
Attorney for Plaintiff

BENJAMIN B. WAGNER  
United States Attorney  
DONNA L. CALVERT  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

20 Dated: November 28, 2011

By: /s/ Lynn M. Harada  
LYNN M. HARADA  
Special Assistant United States Attorney

22 ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the  
24 amount of FOUR THOUSAND DOLLARS AND ZERO CENTS (\$4,000.00), as authorized by 28 U.S.C.  
25 § 2412(d), subject to the terms of the above-referenced Stipulation.

26 Dated: November 29, 2011.

27   
EDMUND F. BRENNAN

28 UNITED STATES MAGISTRATE JUDGE