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13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA  
 16 SACRAMENTO DIVISION

17 DONALD STEELE,	)	Case No. 2:10-cv-00794-JFM
18 Plaintiff,	)	
19 v.	)	STIPULATION AND PROPOSED ORDER FOR
	)	THE AWARD OF ATTORNEY FEES PURSUANT
	)	TO THE EQUAL ACCESS TO JUSTICE ACT,
20 MICHAEL J. ASTRUE,	)	28 U.S.C. § 2412(d)
21 Commissioner of Social Security,	)	
22 Defendant.	)	
	)	

23 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
24 counsel, subject to the approval of the Court, that the previously filed Equal Access to Justice Act  
25 (EAJA) application is hereby withdrawn.

26 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
27 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the  
28 EAJA in the amount of FIVE THOUSAND SEVEN HUNDRED dollars and 0 cents (\$5,700.00).  
This amount represents compensation for all legal services rendered on behalf of Plaintiff, to date,  
by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government  
will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's

1 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment  
2 will depend on whether the fees and expenses are subject to any offset allowed under the United  
3 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses  
4 is entered, the government will determine whether they are subject to any offset.

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

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

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

16 Respectfully submitted October 27, 2011.

17  
18 Dated: October 26, 2011

Respectfully submitted,

/s/ Bess M. Brewer

(As authorized via email)

BESS M. BREWER

Attorney for Plaintiff

BENJAMIN B. WAGNER

United States Attorney

21  
22  
23 Date: October 27, 2011

By s/ Daniel P. Talbert

DANIEL P. TALBERT

Special Assistant U. S. Attorney

Attorneys for Defendant Michael J. Astrue

ORDER

1 APPROVED AND SO ORDERED.

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3 DATED: November 9, 2011.

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UNITED STATES MAGISTRATE JUDGE

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