

1 BENJAMIN B. WAGNER
 United States Attorney
 2 LUCILLE GONZALES MEIS
 Regional Chief Counsel, Region IX
 3 Social Security Administration
 LYNN M. HARADA, CSBN 267616
 4 Special Assistant United States Attorney

5 333 Market Street, Suite 1500
 San Francisco, California 94105
 6 Telephone: (415) 977-8977
 Facsimile: (415) 744-0134
 7 E-Mail: Lynn.Harada@ssa.gov

8 Attorneys for Defendant

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

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

CIVIL NO. 2:10-CV-01244-EFB

15 STIPULATION AND ORDER APPROVING
 SETTLEMENT OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT

19 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 20 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 21 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND, FOUR-HUNDRED DOLLARS
 22 AND ZERO CENTS (\$5,400.00). This amount represents compensation for all legal services rendered
 23 on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
 24 § 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 Bess M. Brewer, 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: May 4, 2011

/s/ Bess M. Brewer
(As authorized via e-mail on 5/4/11 at 3:34 p.m.)
BESS M. BREWER
Attorney for Plaintiff

16 Dated: May 4, 2011

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

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

22 ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in
24 the amount of FIVE THOUSAND, FOUR-HUNDRED DOLLARS AND ZERO CENTS (\$5,400.00), as
25 authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

26 Dated: May 5, 2011.

27 
28 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE