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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT,  
 9 EASTERN DISTRICT OF CALIFORNIA  
 10 SACRAMENTO DIVISION  
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|                                  |   |  |
|----------------------------------|---|--|
| 12 DONALD M. BURTON,             | ) | CASE NO. 2:10-cv-1279-DAD                  |
|                                  | ) |  |
| 13 Plaintiff,                    | ) | <b>STIPULATION AND PROPOSED ORDER</b>      |
|                                  | ) | <b>SETTLING ATTORNEY'S FEES</b>            |
| 14 vs.                           | ) | <b>PURSUANT TO THE EQUAL ACCESS</b>        |
|                                  | ) | <b>TO JUSTICE ACT, 28 U.S.C. § 2412(d)</b> |
| 15 MICHAEL J. ASTRUE,            | ) |  |
| Commissioner of Social Security, | ) |  |
| 16                               | ) |  |
| Defendant.                       | ) |  |
| 17                               | ) |  |

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
 19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the  
 20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND  
 21 DOLLARS AND NO CENTS (\$6,000). This amount represents compensation for all legal  
 22 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
 23 accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
 25 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v.*  
 26 *Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the  
 27 fees are subject to any offset allowed under the United States Department of the Treasury's  
 28

1 Offset Program. After the order for EAJA fees is entered, the government will determine  
2 whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
4 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to  
5 be made directly to Ana Molleda, pursuant to the assignment executed by Plaintiff. Any  
6 payments made shall be delivered to Plaintiff's counsel.

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

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

14  
15 Respectfully submitted,

16  
17 Dated: June 22, 2012

/s/ Ana L. Molleda  
Ana L. Molleda,  
Attorney for Plaintiff  
[as authorized by email]

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20 Dated: June 25, 2012

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

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23 By: /s/ David Lerch  
24 DAVID LERCH  
25 Special Assistant U.S. Attorney  
26 Attorneys for Defendant  
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1 **ORDER**

2 APPROVED AND SO ORDERED:

3 DATED: June 26, 2012.

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6 DALE A. DROZD  
7 UNITED STATES MAGISTRATE JUDGE  
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