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 15 IN THE UNITED STATES DISTRICT COURT FOR
 THE EASTERN DISTRICT OF CALIFORNIA
 16 SACRAMENTO DIVISION

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17 CHRIS PHILLIPS,

CASE NO. 2:10-CV-01941-CMK

18 Plaintiff,

STIPULATION FOR AWARD OF FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT, 28 U.S.C. § 2412(d)

19 vs.

20 MICHAEL J. ASTRUE,
 Commissioner of Social Security,

21 Defendant(s).

22 _____ /

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 24 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 25 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 26 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND
 27 SEVEN HUNDRED DOLLARS AND 00/100 (\$5,700.00). This amount represents

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1 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
2 this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
4 the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v.
5 Ratliff, – S.Ct. –, 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the assignment
6 will depend on whether the fees are subject to any offset allowed under the United States
7 Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the
8 government will determine whether they are subject to any offset.

9 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
10 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, to
11 be made directly to Plaintiff's counsel, pursuant to the assignment executed by Plaintiff. Any
12 payments made shall be delivered to Plaintiff's counsel.

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

18 Upon order by the Court awarding EAJA fees pursuant to this stipulation, Plaintiff's
19 Application for Attorneys Fees and Expenses Under the Equal Access to Justice Act (Docket No.
20 38) is deemed withdrawn.

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

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24 DATE: October 19, 2011

Respectfully submitted,

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26 /s/ Ann M. Cerney

27 ANN M. CERNEY,
Attorney for Plaintiff

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DATE: October 19, 2011

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

/s/ Sundeep R. Patel
SUNDEEP R. PATEL
(As authorized by email on October 19, 2011)
Special Assistant U.S. Attorney
Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FIVE THOUSAND SEVEN HUNDRED DOLLARS AND ZERO CENTS (\$5,700.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

IT IS SO ORDERED.

DATED: October 27, 2011


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE