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8 Attorneys for Defendant

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

12 JAMES M. WOODY,

13 Plaintiff,

14 v.

15 MICHAEL J. ASTRUE,
 16 Commissioner of
 17 Social Security,

18 Defendant.

CIVIL NO. 2:10-CV-02476-CMK

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 20 that the previously filed Motion for Equal Access to Justice Act Fees is hereby withdrawn.

21 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned counsel,
 22 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 23 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND, NINE-HUNDRED DOLLARS
 24 AND ZERO CENTS (\$5,900.00). This amount represents compensation for all legal services rendered
 25 on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
 26 § 2412(d).

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

1 to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend
2 on whether the fees and expenses are subject to any offset allowed under the United States Department
3 of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the
4 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 Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
7 fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed by
8 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

16
17 Respectfully submitted,

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19 Dated: 4/2/12

By: /s/ Bess M. Brewer
(As authorized by email on 4/2/12 at 12:10 p.m.)
BESS M. BREWER
Attorney for Plaintiff

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

25 Dated: 4/2/12

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

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FIVE THOUSAND, NINE-HUNDRED DOLLARS AND ZERO CENTS (\$5,900.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

DATED: April 4, 2012



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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