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8 **UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA**

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11 PAMELA IRENE MOORE,
 12 Plaintiff,

13 vs.

14 MICHAEL J. ASTRUE,
 Commissioner of Social Security,
 15 Defendant(s).

CASE NO. 2:10-CV-02477-KJN

**STIPULATION AND PROPOSED ORDER
 SETTling ATTORNEY’S FEES
 PURSUANT TO THE EQUAL ACCESS
 TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

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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 FOUR THOUSAND
 21 SEVEN HUNDRED FIFTY DOLLARS AND 00/CENTS (\$4,750.00). This amount represents
 22 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
 23 this civil action, in accordance with 28 U.S.C. §[§ 1920,] 2412(d).

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
 25 will consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s
 26 attorney. Pursuant to *Astrue v. Ratliff*, – S.Ct. –, 2010 WL 2346547 (U.S. June 14, 2010), the
 27 ability to honor the assignment will depend on whether the fees and expenses are subject to any

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1 offset allowed under the United States Department of the Treasury's Offset Program. After the
2 order for EAJA fees and expenses is entered, the government will determine whether they are
3 subject to any offset.

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

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

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

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16 Respectfully submitted,

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18 Date: April 23, 2012

/s/ Ann M. Cerney

ANN M. CERNEY,
Attorney for Plaintiff

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

26 Date: April 23, 2012

/s/Elizabeth Firer

ELIZABETH FIRER
(by email authorization on 4/23/12)
Special Assistant United States Attorney
Attorneys for Defendant

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ORDER

The parties' stipulation (Dkt. No. 24) is HEREBY APPROVED.

IT IS SO ORDERED.

DATED: April 23, 2012


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE