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14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA
 16 SACRAMENTO DIVISION

17	RAMONA KNAPIK,)	Case No. 2:10-cv-02626-DAD
18	Plaintiff,)	
19	v.)	STIPULATION AND PROPOSED ORDER FOR
20)	THE AWARD OF ATTORNEY FEES PURSUANT
21)	TO THE EQUAL ACCESS TO JUSTICE ACT,
22	MICHAEL J. ASTRUE,)	28 U.S.C. § 2412(d)
23	Commissioner of Social Security,)	
24	Defendant.)	
25)	

26 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 27 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 28 EAJA in the amount of THREE THOUSAND dollars and 0 cents (\$3,000.00). This amount
 represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel
 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

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

1 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses
2 is entered, 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
5 of fees, expenses and costs to be made directly to Richard Whitaker, pursuant to the assignment
6 executed by Plaintiff. Any 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 and expenses, 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 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 offset provisions of the EAJA.

14 Respectfully submitted December 21, 2011.

15 Respectfully submitted,

16 Dated: December 21, 2011

/s/ Richard Whitaker
(As authorized via email)
RICHARD WHITAKER
Attorney for Plaintiff

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20 BENJAMIN B. WAGNER
United States Attorney

21 Date: December 21, 2011

22 By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U. S. Attorney

24 Attorneys for Defendant Michael J. Astrue

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ORDER

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2 APPROVED AND SO ORDERED.

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4 DATED: December 28, 2011.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

8 dad1:socialsecurity
9 KnapikEAJASTipulation.wpd

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