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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 **SACRAMENTO DIVISION**

11 SHARON ELAINE DE LONEY,) CIVIL NO. 2:10-cv-02687-DAD
12 Plaintiff,)
13 v.) STIPULATION AND ORDER APPROVING
14 CAROLYN W. COLVIN,) SETTLEMENT OF ATTORNEY FEES
15 Acting Commissioner of) PURSUANT TO THE EQUAL ACCESS TO
Social Security¹,) JUSTICE ACT
16 Defendant.)
17 _____)

18 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned
19 counsel, that the previously filed Petition for Attorney Fees is hereby withdrawn (Docket No. 24).

20 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned
21 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access
22 to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND, SIX-HUNDRED
23 THIRTY DOLLARS AND ZERO CENTS (\$6,630.00). This amount represents compensation for all
24 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
25 accordance with 28 U.S.C. § 2412(d).

27 ¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.
28 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for
Michael J. Astrue as the defendant in this suit. No further action need to be taken to continue this suit by reason
of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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

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

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

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

Respectfully submitted,

Dated: June 20, 2013 By: /s/ Shellie Lott for Ann M. Cerney*
(As authorized by email on 6/20/13)
ANN M. CERNEY*
Attorney for Plaintiff

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

Dated: June 20, 2013 By: /s/ Lynn M. Harada
LYNN M. HARADA
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

Pursuant to the parties' stipulation, **IT IS SO ORDERED** that Plaintiff shall be awarded attorney fees in the amount of SIX THOUSAND, SIX-HUNDRED THIRTY DOLLARS AND ZERO CENTS (\$6,630.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

DATED: June 21, 2013.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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