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

11 SHARON ELAINE DE LONEY,

12 Plaintiff,

13 v.

14 CAROLYN W. COLVIN,
 Acting Commissioner of
 15 Social Security¹,

16 Defendant.
 17 _____

CIVIL NO. 2:10-cv-02687-DAD

STIPULATION AND ORDER APPROVING
 SETTLEMENT OF ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT

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 19 counsel, that the previously filed Petition for Attorney Fees is hereby withdrawn (Docket No. 24).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).

26 _____
 27 ¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.
 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for
 28 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).

1 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
2 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.
3 Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on
4 whether the fees and expenses are subject to any offset allowed under the United States Department of
5 the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government
6 will determine whether they are subject to any offset.

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

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

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

18 Respectfully submitted,

19 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

22 BENJAMIN B. WAGNER

United States Attorney

23 DONNA L. CALVERT

Acting Regional Chief Counsel, Region IX

24 Social Security Administration

25 Dated: June 20, 2013

By: /s/ Lynn M. Harada

26 LYNN M. HARADA

Special Assistant United States Attorney

27 Attorneys for Defendant
28

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
UNITED STATES MAGISTRATE JUDGE

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