1 BENJAMIN B. WAGNER United States Attorney DONNA L. CALVERT Acting Regional Chief Counsel, Region IX Social Security Administration 3 SUNDEEP R. PATEL 4 Special Assistant United States Attorney Social Security Administration 5 160 Spear Street, Suite 800 San Francisco, California 94105 Telephone: (415) 977-8981 6 Facsimile: (415) 744-0134 7 E-mail: Sundeep.Patel@ssa.gov 8 Attorneys for Defendant 9 UNITED STATES DISTRICT COURT 10 EASTERN DISTRICT OF CALIFORNIA 11 KATHY R. LAUGHLIN, 12 CIVIL NO. 2:10-cv-03179-CMK Plaintiff, 13 STIPULATION AND ORDER APPROVING v. 14 SETTLEMENT OF ATTORNEY FEES MICHAEL J. ASTRUE, PURSUANT TO THE EQUAL ACCESS TO 15 Commissioner of JUSTICE ACT Social Security, 16 Defendant. 17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, 18 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice 19 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND, THREE-HUNDRED 20 DOLLARS AND ZERO CENTS (\$4,300.00). This amount represents compensation for all legal 21 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance 22 with 28 U.S.C. § 2412(d). 23 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will 24 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant 25 to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend 26 on whether the fees and expenses are subject to any offset allowed under the United States Department 27 of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the 28

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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 Bess M. Brewer, 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.

/s/Bess Brewer

(As authorized via email)

BESS M. BREWER Attorney for Plaintiff

BENJAMIN B. WAGNER United States Attorney

Dated: June 26, 2012 By: /s/ Sundeep R. Patel

SUNDEEP R. PATEL

Special Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FOUR THOUSAND, THREE-HUNDRED DOLLARS AND ZERO CENTS (\$4,300.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

DATED: July 12, 2012

Dated: June 26, 2012

CRAIG M. KELLIŠON

UNITED STATES MAGISTRATE JUDGE