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7 Attorneys for Defendant

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

12	RHONDA KLEV,)	CIVIL NO. 2:11-CV-00863-AC
)	
13	Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	APPROVING SETTLEMENT OF
14	v.)	ATTORNEY FEES PURSUANT TO THE
)	EQUAL ACCESS TO JUSTICE ACT
15	MICHAEL J. ASTRUE,)	
	Commissioner of)	
16	Social Security,)	
)	
17	Defendant.)	
)	

18 IT IS HEREBY STIPULATED, by and between the parties, through their undersigned counsel,
 19 that the Motion for an Award of Attorney’s Fees Under the Equal Access to Justice Act previously filed
 20 by Plaintiff’s counsel is hereby withdrawn.

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 22 subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 23 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SEVEN THOUSAND, FIVE-HUNDRED
 24 DOLLARS AND ZERO CENTS (\$7,500.00). This amount represents compensation for all legal
 25 services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance
 26 with 28 U.S.C. § 2412(d).

27 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 28 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney.

1 Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment
2 will depend on whether the fees and expenses are subject to any offset allowed under the United States
3 Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered,
4 the government will determine whether they are subject to any offset.

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

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

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

16 Respectfully submitted,

17
18 Dated: December 20, 2012 By: /s/ Bess M. Brewer
19 (As authorized by email on 12/20/12)
20 BESS M. BREWER
Attorney for Plaintiff

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

24 Dated: December 20, 2012 By: /s/ Lynn M. Harada
25 LYNN M. HARADA
26 Special Assistant United States Attorney
27 Attorneys for Defendant
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of SEVEN THOUSAND, FIVE-HUNDRED DOLLARS AND ZERO CENTS (\$7,500.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: January 3, 2013.



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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