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7 Attorneys for Defendant

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

12	DIANA GONZALEZ ALVEREZ,)	CASE NO. 2:11-cv-3400-DAD
13	Plaintiff,)	STIPULATION AND ORDER SETTLING ATTORNEY’S FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)
14	vs.)	
15	MICHAEL J. ASTRUE,)	
16	Commissioner of Social Security,)	
17	Defendant.)	

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney’s fees under the
 20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE
 21 THOUSAND SIX HUNDRED FIFTY DOLLARS AND NO CENTS (\$3,650). This amount
 22 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 23 connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 25 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to Astrue v.
 26 Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the
 27 fees are subject to any offset allowed under the United States Department of the Treasury’s
 28

1 Offset Program. After the order for EAJA fees is entered, the government will determine
2 whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
4 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
5 be made directly to Bess Brewer, pursuant to the assignment executed by Plaintiff. Any
6 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, expenses and costs, 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 and costs 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 provisions of the EAJA.

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15 Respectfully submitted,

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17 Dated: December 12, 2012

/s/Bess M. Brewer
Bess M. Brewer,
Attorney for Plaintiff
[as authorized by email]

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19
20 Dated: December 14, 2012

BENJAMIN B. WAGNER
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23 By: /s/David Lerch
24 DAVID LERCH
25 Special Assistant U.S. Attorney
26 Attorneys for Defendant
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ORDER

APPROVED AND SO ORDERED.

DATED: December 14, 2012.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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