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 10 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION

11 CHERRHONDA LEE ANN CLARK,)
 12 Plaintiff,)
 13 v.)
 14 COMMISSIONER OF)
 15 SOCIAL SECURITY,)
 16 Defendant.)
 17 _____)

Case No. CIV-2:12-cv-00479-CMK

STIPULATION FOR THE AWARD AND
 PAYMENT OF ATTORNEY FEES PURSUANT
 TO THE EQUAL ACCESS TO JUSTICE ACT,
 28 U.S.C. § 2412(d)

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 19 subject to the approval of the Court, that Cherrhonda Lee Ann Clark will be awarded attorney fees in the
 20 amount of four-thousand and ninety-four dollars and fifty-five cents (\$4,094.55) under the Equal Access
 21 to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services
 22 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28
 23 U.S.C. § 2412(d). Plaintiff further withdraws her Petition for Attorney’s Fees (Doc. 25) in favor of this
 24 stipulation.

25 After the Court issues an order for EAJA fees to Cherrhonda Lee Ann Clark, the Defendant will
 26 consider any assignment of EAJA fees to Ann M. Cerney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521,
 27 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are subject
 28 to any offset allowed under the United States Department of the Treasury's Offset Program. After the
 order for EAJA fees is entered, the Defendant will determine whether they are subject to any offset.

1 Fees shall be made payable to Cherrhonda Lee Ann Clark, but if the Department of the Treasury
2 determines that Cherrhonda Lee Ann Clark does not owe a federal debt, then the government shall cause
3 the payment of fees to be made directly to the Ann M. Cerney, pursuant to any assignment executed by
4 Plaintiff. Any payments made shall be delivered to Ann M. Cerney.

5 This stipulation constitutes a compromise settlement of Cherrhonda Lee Ann Clark's request for
6 EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the
7 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all
8 claims that Cherrhonda Lee Ann Clark and/or Ann M. Cerney may have relating to EAJA attorney fees
9 in connection with this action. This award is without prejudice to the rights of Ann M. Cerney to seek
10 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
11 the EAJA.

12 Respectfully submitted,

13 Dated: May 8, 2013

14 /s/ Ann M. Cerney
(as authorized via telephone)
ANN M. CERNEY
Attorney for Plaintiff

16 BENJAMIN WAGNER
United States Attorney

17 Dated: May 8, 2013

18 By /s/ Elizabeth Barry
ELIZABETH BARRY
Special Assistant U.S. Attorney
Attorneys for Defendant

21 ORDER

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 DATED: May 15, 2013

25 
26 **CRAIG M. KELLISON**
27 UNITED STATES MAGISTRATE JUDGE
28