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8 Attorneys for Defendant

9  
10 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 REBECCA KREISHER, )  
13 )  
Plaintiff, )

14 v. )

15 )  
16 CAROLYN W. COLVIN<sup>1</sup>, )  
Acting Commissioner of )  
17 Social Security, )  
18 Defendant. )

No. 2:12-cv-00530 DAD

STIPULATION AND  
ORDER APPROVING SETTLEMENT OF  
ATTORNEY FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT, 28  
U.S.C. § 2412(d) AND COSTS PURSUANT  
TO 28 U.S.C. § 1920

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20  
21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
22 counsel, that Plaintiff's previously filed Motion for Equal Access to Justice Act Fees is hereby  
23 withdrawn.

24 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
25 counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the  
26 amount of five-thousand, nine-hundred dollars (\$5,900.00) under the Equal Access to Justice Act  
27

28 <sup>1</sup> 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 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 (EAJA), 28 U.S.C. § 2412(d), and zero dollars (\$0.00) in costs under Taxation of Costs, 28  
2 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of  
3 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§  
4 2412(d), 1920.

5 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider  
6 any assignment of EAJA fees to Plaintiff's counsel, Bess M. Brewer. Pursuant to *Astrue v.*  
7 *Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend  
8 on whether the fees are subject to any offset allowed under the United States Department of the  
9 Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will  
10 determine whether they are subject to any offset.

12 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
13 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to  
14 be made directly to Bess M. Brewer, pursuant to any assignment executed by Plaintiff. Any  
15 payments made shall be delivered to Plaintiff's counsel.

17 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
18 attorney fees and does not constitute an admission of liability on the part of Defendant under the  
19 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
20 and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees in  
21 connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to  
22 seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
23 provisions of the EAJA.

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Respectfully submitted,

Dated: December 20, 2013 By: /s/ Bess M. Brewer\*  
\*as authorized by email on 12/20/13  
BESS M. BREWER  
Attorney for Plaintiff

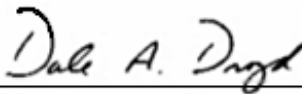
Dated: December 20, 2013 BENJAMIN B. WAGNER  
United States Attorney  
DONNA L. CALVERT  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

By: /s/ Annabelle J. Yang  
ANNABELLE J. YANG  
Special Assistant United States Attorney  
Attorneys for Defendant

ORDER

The parties' stipulation is APPROVED AND IT IS SO ORDERED.

Dated: December 23, 2013

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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