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10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

14 BRIAN JAMES CONNORS,

15 Plaintiff,

16 v.

17 CAROLYN W. COLVIN,
18 Commissioner of Social Security,

19 Defendant.

No. 2:12-cv-01762-EFB

20 } **STIPULATION FOR THE AWARD**
 21 } **AND PAYMENT OF ATTORNEY**
 22 } **FEES PURSUANT TO THE EQUAL**
 23 } **ACCESS TO JUSTICE ACT, 28**
 24 } **U.S.C. § 2412(d) AND PROPOSED**
 25 } **ORDER**

26 IT IS HEREBY STIPULATED by and between the parties through their
 27 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
 28 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
 in the amount of TWELVE THOUSAND FIVE HUNDRED DOLLARS AND
 00/100 (\$12,500.00). This amount represents compensation for all legal services
 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 accordance with 28 U.S.C. §§ 1920, 2412(d).

1 After the Court issues an order for EAJA fees to Plaintiff, the government
2 will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's
3 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), WL 2346547 (U.S.
4 June 14, 2010), the ability to honor the assignment will depend on whether the fees
5 are subject to any offset allowed under the United States Department of the
6 Treasury's Offset Program. After the order for EAJA fees is entered, the
7 government will determine whether they are subject to any offset.

8 Fees shall be made payable to Plaintiff, but if the Department of the
9 Treasury determines that Plaintiff does not owe a federal debt, then the government
10 shall cause the payment of fees to be made directly to JOSHUA SMITH, pursuant
11 to the assignment executed by Plaintiff. Any payments made shall be delivered to
12 Plaintiff's counsel. This stipulation constitutes a compromise settlement of
13 Plaintiff's request for EAJA attorney fees and does not constitute an admission of
14 liability on the part of Defendant under the EAJA. Payment of the agreed amount
15 shall constitute a complete release from, and bar to, any and all claims that Plaintiff
16 and/or Plaintiff's counsel may have relating to EAJA attorney fees connection with
17 this action.

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20 Date: April 8, 2014

JOSHUA SMITH, Attorney at Law
GRACE A. GALLIGHER,

Attorney at Law

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24 By: /s/ Joshua Smith
25 *By email authorization on April 7, 2014
26 Attorney(s) for Plaintiff
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Date: April 8, 2014

BENJAMIN B. WAGNER
United States Attorney

DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

By: /s/ Ben A. Porter
BEN A. PORTER
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

IT IS SO ORDERED.

Dated: April 10, 2014.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE