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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 SAMMIE HERNANDEZ,) Case No. 2:12-cv-2150-KJN
14 Plaintiff,)
15 v.) STIPULATION FOR THE AWARD AND
16 MICHAEL J. ASTRUE,) PAYMENT OF ATTORNEY FEES
17 Commissioner of Social Security,) PURSUANT TO THE EQUAL ACCESS TO
18 Defendant.) JUSTICE ACT, 28 U.S.C. § 2412(d) AND
19) ORDER AWARDING ATTORNEY FEES
20) PURSUANT TO THE EQUAL ACCESS TO
21) JUSTICE ACT, 28 U.S.C. § 2412(d)
22)
23)
24)
25)
26)
27)
28)

21 IT IS HEREBY STIPULATED by and between the parties through their undersigned
22 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
23 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE
24 THOUSAND EIGHT HUNDRED and FIFTY DOLLARS (\$3,850.00). This amount represents
25 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
26 this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).
27

28 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to Astrue v.

1 Ratliff, 130 S. Ct. 2521, 2252-2253 (2010), the ability to honor the assignment will depend on
2 whether the fees are subject to any offset allowed under the United States Department of the
3 Treasury's Offset Program. After the order for EAJA fees is entered, the government will
4 determine whether they are subject to any offset.

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
6 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees to
7 be made directly to LAW OFFICE BESS M. BREWER & ASSOCIATES pursuant to the
8 assignment executed by Plaintiff. Any payments made shall be delivered to BESS M.
9 BREWER.

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

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

17
18 DATE: May 22, 2014

19 By: s/ Bess M. Brewer *
20 Bess M. Brewer
21 Law Office of Bess M. Brewer
22 Attorney for Plaintiff
(*by email authorization 5/22/14)

23 Date: May 27, 2014

BENJAMIN B. WAGNER
United States Attorney

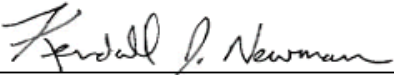
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25 By: s/Cynthia B. De Nardi
26 CYNTHIA B. DE NARDI
27 Special Assistant United States Attorney
28 Attorneys for Defendant

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Based upon the parties' Stipulation for Award of Attorney Fees pursuant to the Equal Access to Justice Act (EAJA) (Stipulation),

IT IS ORDERED that EAJA fees are awarded in the amount of THREE THOUSAND EIGHT HUNDRED and FIFTY DOLLARS (\$3,850.00) subject to the terms of the Stipulation.

Dated: June 4, 2014


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE