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10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT
 12
 13 EASTERN DISTRICT OF CALIFORNIA

14 ADELE MARIE MCCULLOCH,)	No. 12-CV-02329-EFB
)	
15 Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	SETTLING ATTORNEY’S FEES
16 v.)	PURSUANT TO THE EQUAL ACCESS TO
17 CAROLYN W. COLVIN, Acting)	JUSTICE ACT, 28 U.S.C. § 2412(d)
18 Commissioner of Social Security,)	
)	
19 Defendant.)	
)	
20)	
21)	
22)	

23 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 24 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
 25 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND
 26 DOLLARS (\$4,000.00). This amount represents compensation for all legal services rendered on
 27 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
 28 § 2412(d).

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

8 Fees, expenses and costs 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 shall cause
10 the payment of fees, expenses and costs to be made directly to Bess Brewer, pursuant to the
11 assignment executed by Plaintiff, if there is an assignment. Any payments made shall be
12 delivered to Plaintiff's counsel.

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

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

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21 Respectfully submitted,

22 Dated: October 8, 2014

/s/Bess Brewer

BESS BREWER

Attorney for Plaintiff

[as authorized by telephone]

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Dated: October 8, 2014

BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Regional Chief Counsel, Region IX
Social Security Administration

By: /s/ Theophous H. Reagans
THEOPHOUS H. REAGANS
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED.

DATED: October 9, 2014.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE