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8 Attorneys for Defendant

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

13 MICHELLE HARRINGTON,	)	CASE NO. 2:13-CV-52-AC
	)	
14 Plaintiff,	)	STIPULATION AND ORDER FOR THE
	)	AWARD OF ATTORNEY FEES
15 vs.	)	PURSUANT TO THE EQUAL ACCESS TO
16 CAROLYN W. COLVIN	)	JUSTICE ACT, 28 U.S.C. § 2412(d), AND
Acting Commissioner of Social Security,	)	COSTS PURSUANT TO 28 U.S.C. § 1920
	)	
17	)	
	)	
18 Defendant.	)	

19

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
 21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and  
 22 expenses in the amount of FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$5,800.00)  
 23 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of  
 24 THREE HUNDRED FIFTY DOLLARS (\$350.00) under 28 U.S.C. § 1920. This amount  
 25 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in  
 26 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).  
 27

1 After the Court issues an order for EAJA fees and costs to Plaintiff, the government will  
2 consider the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney.  
3 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the  
4 ability to honor the assignment will depend on whether the fees 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 and costs is entered, the government will determine whether they are subject  
7 to any offset.

8 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury  
9 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
10 payment of fees, expenses and costs to be made directly to Rick Peasley, pursuant to the  
11 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

19 Respectfully submitted,

20 Dated: June 26, 2014

By: /s/ Rick Peasley\*

RICK PEASLEY

\*By email authorization on June 26, 2014

Attorney for Plaintiff

24 BENJAMIN B. WAGNER

United States Attorney

25 Dated: June 25, 2014

By: /s/ Brenda M. Pullin

BRENDA M. PULLIN

Special Assistant United States Attorney


Attorneys for Defendant

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**ORDER**

Pursuant to the parties' stipulation, it is so ordered.

Dated: June 30, 2014

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE