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8 Attorneys for Defendant

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

12 CHERIE BLASQUEZ TRACY,)
13)
Plaintiff,)
14)
v.)
15)
16 CAROLYN W. COLVIN,)
Acting Commissioner)
17 of Social Security,)
18 Defendant.)
19 _____)

Case No. 2:13-CV-00570-CKD

STIPULATION AND ~~PROPOSED~~ 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

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23 withdrawn.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 three thousand dollars (\$3,000.00) under the Equal Access to Justice Act (EAJA), 28
27 U.S.C. § 2412(d), and zero dollars (\$00.00) in costs under Taxation of Costs, 28 U.S.C. § 1920.
28 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. §§ 2412(d), 1920.

1 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider
2 any assignment of EAJA fees to Plaintiff's counsel, Jesse Kaplan. Pursuant to *Astrue v. Ratliff*,
3 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such assignment will depend on
4 whether the fees are subject to any offset allowed under the United States Department of the
5 Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will
6 determine whether they are subject to any offset.

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

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

18 Respectfully submitted,

19 Dated: February 6, 2014

20 /s/ *Jesse S. Kaplan*
21 JESSE S. KAPLAN
22 (as authorized via email on 2/6/14)
23 Attorney at Law

24 Attorney for Plaintiff

25 Dated: February 6, 2014

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

By:

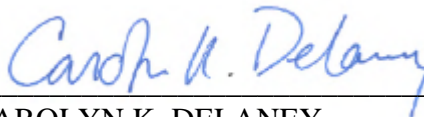
/s/ *Annabelle J. Yang*
ANNABELLE J. YANG
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED.

Dated: February 7, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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