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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 MICHAEL BRIEN SPENCER,

12 Plaintiff,

13 vs.

14 CAROLYN W. COLVIN,
15 Acting Commissioner of Social Security,

16 Defendant
17

No. 2:13-cv-01074-DAD

STIPULATION AND ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
20 EAJA in the amount of FOUR THOUSAND FIVE HUNDRED (\$4,500.00). This amount
21 represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel
22 in connection with this civil action, in accordance with 28 U.S.C. § 2412.
23

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
25 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
26 attorney. Pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010), the ability to honor the
27 assignment will depend on whether the fees and expenses are subject to any offset allowed under
28

1 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
2 and expenses is entered, the government will determine whether they are subject to any offset.
3 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
4 determines that Plaintiff does not owe a federal debt, then the government shall cause the
5 payment of fees, expenses and costs to be made directly to Ann M. Cerney, pursuant to the
6 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
7

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

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

17 Respectfully submitted,

18 Dated: December 3, 2014

/s/ Ann M. Cerney

ANN M. CERNEY

Attorney for Plaintiff

BENJAMIN B. WAGNER

United States Attorney

DONNA L. CALVERT

Regional Chief Counsel

24 Date: December 3, 2014

/s/ Jeffrey T. Chen

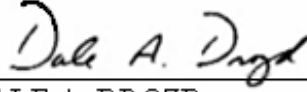
(As authorized via email on 12/02/14)

Special Assistant United States Attorney

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: December 18, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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