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 4 Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA**

7 **EMMA L. GONZALEZ** )  
 8 **xxx-xx-8707** )  
 9 **Plaintiff,** )  
 10 )  
 11 **v.** )  
 12 **CAROLYN W. COLVIN** )  
 13 **ACTING COMMISSIONER OF SSA,** )  
 14 **Defendant.** )

**Case No. 13-cv-01359-EFB**

**STIPULATION AND ORDER APPROVING  
 SETTLEMENT OF ATTORNEY FEES  
 PURSUANT TO THE EQUAL ACCESS TO  
 JUSTICE ACT**

16 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,  
 17 subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice  
 18 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND FIVE HUNDRED DOLLARS  
 19 AND ZERO CENTS(**\$4,500.00**). This amount represents compensation for all legal services rendered  
 20 on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §  
 21 2412(d). After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 22 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney. Pursuant  
 23 to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend  
 24 on whether the fees and expenses are subject to any offset allowed under the United States Department  
 25 of the Treasury’s Offset Program. After the order for EAJA fees and expenses is entered, the government  
 26 will determine whether they are subject to any offset.

27 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
 28 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of

1 fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed by  
2 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

3 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
4 and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA.  
5 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims  
6 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses  
7 inconnection with this action.

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

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11  
12 Dated: November 26, 2014

/s/Bess M. Brewer  
BESS M. BREWER  
Attorney at Law  
Attorney for Plaintiff

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16 Dated: November 26, 2014

Benjamin B. Wagner  
United States Attorney  
/s/ Scott Borrowman  
SCOTT BORROWMAN  
Special Assistant United States Attorney  
Attorneys for Defendant


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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of FOUR THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS(\$4,500.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation

DATED: December 16, 2014

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE