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7 Attorneys for Plaintiff

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

10 **DWAYNE TODD PEKAREK**)
11 **xxx-xx-9287**)

No. 2:13-cv-1451 DAD

12 **Plaintiff,**)

13 **v.**)

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

14 **CAROLYN W. COLVIN**)
15 **ACTING COMMISSIONER OF SSA,**)
16 **Defendant.**)

17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
18 counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal
19 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND SIX
20 HUNDRED EIGHTY EIGHT DOLLARS AND FORTY CENTS (**\$4,688.40**). This amount
21 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
22 connection with this civil action, in accordance with 28 U.S.C. § 2412(d). After the Court issues an
23 order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's
24 assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct.
25 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees and
26 expenses are subject to any offset allowed under the United States Department of the Treasury's
27 Offset Program. After the order for EAJA fees and expenses is entered, the government will
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1 determine whether they are subject to any offset.

2 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
3 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
4 fees, expenses and costs to be made directly to Bess M. Brewer, pursuant to the assignment executed
5 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

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15 Dated: April 15, 2015

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

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19 Dated: April 15, 2015

Benjamin B. Wagner
United States Attorney
/s/ Theophous Reagans
THEOPHOUS REAGANS
Special Assistant United States Attorney
Attorneys for Defendant

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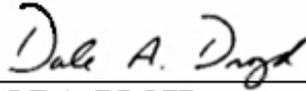
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ORDER

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

Dated: April 16, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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