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

LATAVIA HURTS) Case No. 13-2210 CKD

**CAROLYN W. COLVIN
ACTING COMMISSIONER OF SSA,
Defendant.**

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

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE THOUSAND THREE HUNDRED DOLLARS AND ZERO CENTS(\$3,300.00). 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). After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will

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
7 attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant
8 under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to,
9 any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees
10 and 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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14 Dated: January 9, 2015

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

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18 Dated: January 9, 2015

Benjamin B. Wagner
United States Attorney
/s/ Tova Wolking
TOVA WOLKING
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the amount of THREE THOUSAND THREE HUNDRED DOLLARS AND ZERO CENTS (\$3,300.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

Dated: January 14, 2015

CAROLYN K. DELANEY
CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE