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UNITED STATE DISTRICT COURT

## EASTERN DISTRICT OF CALIFORNIA

ALEX BAILEY,  
Plaintiff,

vs.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,  
Defendant,

Case No.: 2:13-cv-02281-EFB

**STIPULATION AND PROPOSED ORDER  
FOR PAYMENT OF PLAINTIFF'S  
ATTORNEY FEES**

IT IS HEREBY STIPULATED by and between the parties, through their respective undersigned attorneys, and with the permission of the Court as evidenced below, that the Plaintiff's be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FORTY-SEVEN HUNDRED DOLLARS AND ZERO CENTS (\$4,700.00). 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 fee 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 of EAJA fees and expenses is entered, the government will determine whether they are subject to any offset.

STIPULATION AND PROPOSED ORDER FOR PAYMENT OF PLAINTIFF'S ATTORNEY FEES - 1

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

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6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
7 and expenses, and does not constitute an admission of liability on the part of the Defendant under the  
8 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all  
9 claims that Plaintiff's and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in  
10 connection with this action. This award is without prejudice to the rights of Plaintiff's counsel to seek  
11 Social Security Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

12 Respectfully submitted,

13  
14 Dated: 4/15/15 By: /s/ Peter Brixie  
15 PETER E. BRIXIE  
16 Attorney at Law  
Attorney for Plaintiff

17 Dated: 4/15/15 /s/ Jeffrey Chen  
18 JEFFREY T. CHEN  
19 Special Assistant United States Attorney  
Attorneys for Defendant  
Commissioner of Social Security

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21 APPROVED AND SO ORDERED

22 Dated: April 16, 2015.

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24 EDMUND F. BRENNAN  
25 UNITED STATES MAGISTRATE JUDGE