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7 UNITED STATE DISTRICT COURT
8
9 EASTERN DISTRICT OF CALIFORNIA

7 ALEX BAILEY,
8 Plaintiff,

9 vs.

10 CAROLYN W. COLVIN,
11 Acting Commissioner of Social Security,
12 Defendant,

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

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

12 IT IS HEREBY STIPULATED by and between the parties, through their respective undersigned
13 attorneys, and with the permission of the Court as evidenced below, that the Plaintiff's be awarded
14 attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of
15 FORTY-SEVEN HUNDRED DOLLARS AND ZERO CENTS (\$4,700.00). This amount represents
16 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil
17 action, in accordance with 28 U.S.C. § 2412(d).

18
19 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
20 consider the matter of Plaintiff's assignment of EAJA fee and expenses to Plaintiff's attorney. Pursuant
21 to Astrue v. Ratliff, 130 S. Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend
22 on whether the fees and expenses are subject to any offset allowed under the United States Department of
23 the Treasury's Offset Program. After the order of EAJA fees and expenses is entered, the government
24 will determine whether they are subject to any offset.

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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.

5
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
PETER E. BRIXIE
Attorney at Law
Attorney for Plaintiff

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16
17 Dated: 4/15/15

/s/ Jeffrey Chen
JEFFREY T. CHEN
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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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE