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 Attorney for Plaintiff

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

7 **NANCY ALMA RAETZ**)
 8 **xxx-xx-7149**)
 9)
 10 **Plaintiff,**)
 11)
 12 **v.**)
 13 **CAROLYN W. COLVIN**)
 14 **ACTING COMMISSIONER OF SSA,**)
 15 **Defendant.**)

Case No. 14-120 EFB

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

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 EIGHT
 20 HUNDRED DOLLARS AND ZERO CENTS (**\$4,800.00**). This amount represents compensation for
 21 all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 22 accordance with 28 U.S.C. § 2412(d). After the Court issues an order for EAJA fees and expenses to
 23 Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees and
 24 expenses to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the
 25 ability to honor the assignment will depend on whether the fees and expenses are subject to any
 26 offset allowed under the United States Department of the Treasury’s Offset Program. After the order
 27 for EAJA fees and expenses is entered, the government will determine whether they are subject to

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1 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: January 4, 2016

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

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19 Dated: January 4, 2016

Benjamin B. Wagner
United States Attorney
/s/ Patrick Snyder
PATRICK SNYDER
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 EIGHT HUNDRED DOLLARS AND ZERO CENTS (\$4,800.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation. Further, defendant's request for an extension of time to respond to plaintiff's motion for attorney's fees (ECF No. 25) is denied as moot.

DATED: January 5, 2016.



HONORABLE EDMUND F. BRENNAN
U.S. MAGISTRATE JUDGE