

1 BESS M. BREWER, #100364
 LAW OFFICE OF BESS M. BREWER
 P.O. Box 5088
 2 Sacramento, CA 95817
 Telephone: (916) 385-7517
 3 besshelena@earthlink.net
 Attorneys for Plaintiff

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

7 **SUSAN MUELLER**)

Case No. 15-cv-1479 AC

9 **Plaintiff,**)

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

11 **v.**)

12 **CAROLYN W. COLVIN**)
ACTING COMMISSIONER OF SSA,)
 13 **Defendant.**)

15 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 16 counsel, subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal
 17 Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND FOUR
 18 HUNDRED DOLLARS AND ZERO CENTS (**\$5,400.00**). This amount represents compensation
 19 for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 20 accordance with 28 U.S.C. § 2412(d). After the Court issues an order for EAJA fees and expenses to
 21 Plaintiff, the government will consider the matter of Plaintiff’s assignment of EAJA fees and
 22 expenses to Plaintiff’s attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the
 23 ability to honor the assignment will depend on whether the fees and expenses are subject to any
 24 offset allowed under the United States Department of the Treasury’s Offset Program.

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

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

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

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Dated: January 18, 2017

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

Dated: January 18, 2017

Phillip A. Talbert
Acting United States Attorney


/s/ Donna Wade Anderson
DONNA WADE ANDERSON
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 FIVE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS
(\$5,400.00) , as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced
Stipulation.

DATED: January 24, 2017


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE