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7 Attorney for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT FOR
9 THE NORTHERN DISTRICT OF CALIFORNIA

10
11 ROBERT L. SLAYTON

12 Plaintiff,

13 vs.

14 Michael Astrue, COMMISSIONER
15 of the SOCIAL SECURITY
ADMINISTRATION,

16 Defendant.
17

No. C-06-07045 SI

STIPULATION AND [PROPOSED]
ORDER FOR
COMPROMISE SETTLEMENT
OF ATTORNEY FEES
AND COSTS PURSUANT TO
EQUAL ACCESS TO JUSTICE ACT

18 The parties, through their respective counsel, stipulate for a compromise
19 settlement of Plaintiff's claim for an award of attorneys' fees and costs pursuant to
20 the Equal Access to Justice Act ("EAJA"), as follows:

21 1. Defendant shall pay to Plaintiff's counsel James Hunt Miller the total
22 amount of THREE THOUSAND FIFTY-THREE DOLLARS (\$3,053.00),
23 representing payment of all Plaintiff's claims for attorneys' fees and costs in
24 connection with this action pursuant to the EAJA, in accordance with 28 U.S.C. §
25 2412(d). Plaintiff has assigned the fee to James Hunt Miller, and the payee will be
26 James Hunt Miller as assignee of Plaintiff.

27 2. This stipulation constitutes a compromise settlement of Plaintiff's request
28 for attorneys fees pursuant to the Equal Access to Justice Act ("EAJA"), and does not

1 constitute an admission of liability or fault on the part of Defendant under the EAJA.
2 Payment of the \$3053.00 shall constitute a complete release from and bar to any and
3 all claims Plaintiff may have relating to EAJA attorneys' fees and costs in connection
4 with this action. This compromise and award is without prejudice to the rights of
5 Plaintiff's counsel to later seek Social Security Act attorney fees, under 42 U.S.C. §
6 406, subject to any applicable offset provisions.

7 The parties jointly submit this matter with the proposed order below.

8 Date: August 29, 2008 James Hunt Miller
9 /s/
10 Attorney for Plaintiff

11 Date: September 4, 2008 Joseph Russionello
12 United States Attorney

13 /s/
14 Shea Lita Bond
Special Assistant United States Attorney
Attorneys for Defendant

15 ORDER (PROPOSED)

16 Pursuant to the parties' stipulation, IT IS ORDERED that Defendant will pay
17 to Plaintiff's Counsel, James Hunt Miller, as assignee of Plaintiff, the total amount
18 of \$3053.00, representing payment of all Plaintiff's claims for attorneys's fees and
19 costs in connection with this action pursuant to the Equal Access to Justice Act, and
20 in accordance with 24 U.S.C. § 2412(d).

21 DATED: _____ Wm. Alsup for..

22 _____
U.S. District Judge Susan Illston