

1 James Hunt Miller (SBCal # 135160)
 2 P.O. Box 10891
 3 OAKLAND CA 94610
 4 Telephone: (510) 451-2132
 Facsimile: (510) 451-0824
 E-mail: jim_miller0@yahoo.com

5 Attorney for Plaintiff

6 JOSEPH RUSSIONELLO, CSBN 44332
 United States Attorney
 7 LUCILLE GONZALES MEIS, SBN CO 15153
 Regional Chief Counsel, Region IX,
 8 Social Security Administration
 ELIZABETH FIRER, SBN WI 1034148
 9 Special Assistant United States Attorney

10 Social Security Administration
 333 Market St., Suite 1500
 11 San Francisco, California 94102
 12 Tel: (415) 977-8937
 Fax: (415) 744-0134
 13 Email: elizabeth.firer@ssa.gov

14 Attorneys for Defendant

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

17 ANN YVETTE SCHOLTZ,
 18 Plaintiff,
 19 v.
 20 Michael Astrue, COMMISSIONER
 of the SOCIAL SECURITY
 21 ADMINISTRATION,
 22 Defendant.

CIV NO 07-1054 VRW
 STIPULATION AND ~~PROPOSED~~
 ORDER FOR
 COMPROMISE SETTLEMENT
 OF ATTORNEY FEES
 AND COSTS PURSUANT TO
 EQUAL ACCESS TO JUSTICE ACT

23
 24 The parties, through their respective counsel, stipulate for a compromise
 25 settlement of Plaintiff's claim for an award of attorneys' fees and costs pursuant to
 26 the Equal Access to Justice Act ("EAJA"), as follows:

1 1. Defendant shall pay to Plaintiff’s counsel James Hunt Miller the total
2 amount of THREE THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS
3 (\$3121.00), representing payment of all Plaintiff’s claims for attorneys’ fees and
4 costs in connection with this action pursuant to the EAJA, in accordance with 28
5 U.S.C. § 2412(d). Plaintiff has assigned to the fee to James Hunt Miller, and the
6 payee will be James Hunt Miller as assignee of Plaintiff.

7 2. This stipulation constitutes a compromise settlement of Plaintiff’s
8 request for attorneys fees pursuant to the Equal Access to Justice Act (“EAJA”),
9 and does not constitute an admission of liability or fault on the part of Defendant
10 under the EAJA. Payment of the \$3121.00 shall constitute a complete release
11 from and bar to any and all claims Plaintiff may have relating to EAJA attorneys’
12 fees and costs in connection with this action. This compromise and award is
13 without prejudice to the rights of Plaintiff’s counsel to later seek Social Security
14 Act attorney fees, under 42 U.S.C. § 406, subject to any applicable offset
15 provisions.

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

17 Date: 12-31-08 James Hunt Miller
18 /s/ James Hunt Miller
19 Attorney for Plaintiff

20 Date: 12-31-08 Joseph Russionello
21 United States Attorney
22 /s/ Elizabeth Firer
23 Elizabeth Firer
24 Special Assistant United States Attorney
Attorneys for Defendant

24 ORDER ~~(PROPOSED)~~

25 Pursuant to the parties’ stipulation, IT IS ORDERED that Defendant will
26 pay to Plaintiff’s Counsel, James Hunt Miller, as assignee of Plaintiff, the total
27

1 amount of \$3121.00, representing payment of all Plaintiff's claims for attorneys's
2 fees and costs in connection with this action pursuant to the Equal Access to
3 Justice Act, and in accordance with 24 U.S.C. § 2412(d).

4 DATED: January 6, 2009

5
6 U.S. District Judge Vaughan R. Walker



7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28