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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 ELENA O’CONNOR,)
)
 12 Plaintiff,)
)
 13 v.)
)
 14 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 15 Defendant.)
)
 16 _____)

CIVIL NO. 3:09-cv-1508 JCS
 STIPULATION AND ORDER AWARDING
 ATTORNEY FEES UNDER THE
 EQUAL ACCESS TO JUSTICE ACT,
 28 U.S.C. § 2412(d)

17 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 18 subject to the Court’s approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 19 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND, THREE-HUNDRED
 20 THIRTEEN DOLLARS AND 59 CENTS (\$5,313.59). This amount represents compensation for all
 21 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).

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

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

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

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

12 Dated: January 25, 2011

/s/Bess M. Brewer
(As authorized via email)

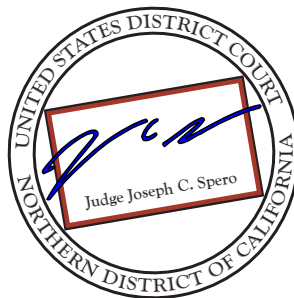
14 BESS M. BREWER
Attorney for Plaintiff

16 BENJAMIN B. WAGNER
United States Attorney

17 Dated: January 25, 2011

By: */s/ Shea Lita Bond*
SHEA LITA BOND
Special Assistant United States Attorney

19 IT IS SO ORDERED:



23 Dated: Jan. 26, 2011

24 Joseph C. Spero
United States District Judge
Magistrate