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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

10 REBECCA K. SMITH,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE,  
 Commissioner of  
 14 Social Security,

15 Defendant.

CIVIL NO. C-09-03777 MHP

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 counsel,  
 18 subject to the Court's approval, that counsel for Plaintiff, as assignee, be awarded attorney fees under the  
 19 Equal Access to Justice Act, (EAJA) in the amount of FOUR THOUSAND, SEVEN HUNDRED  
 20 DOLLARS AND THIRTY-FIVE CENTS (\$4,785.35) and FOUR HUNDRED, FORTY DOLLARS AND  
 21 ONE CENT (\$440.01) in costs. This amount represents compensation for all legal services rendered on  
 22 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920,  
 23 2412(d).

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

1 whether they are subject to any offset. Fees and expenses shall be made payable to Plaintiff, but if the  
2 Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall  
3 cause the payment of fees, expenses and costs to be made directly to Ian Sammis, pursuant to the assignment  
4 executed by 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 that  
8 Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with  
9 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.

13 Dated: November 15, 2010

/s/ Ian M. Sammis  
(As authorized via email)

14 IAN M. SAMMIS  
15 11 Tamalpais Avenue, #1  
16 San Rafael, CA 94901  
Attorney for Plaintiff

17 MELINDA L. HAAG  
United States Attorney

18 Dated: November 15, 2010

By: /s/ Elizabeth Firer  
ELIZABETH FIRER  
Special Assistant United States Attorney

21 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in  
22 the amount of FOUR THOUSAND, SEVEN HUNDRED DOLLARS AND THIRTY-FIVE CENTS  
23 (\$4,785.35) and FOUR HUNDRED, FORTY DOLLARS AND ONE CENT (\$440.01) in costs, as  
24 authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above-referenced Stipulation.

26 Dated: 11/16/2010

27 MARILYN H. PATEL  
United States District Judge

