

1 MELINDA L. HAAG
United States Attorney
2 DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
3 Social Security Administration
THEOPHOS H. REAGANS, CSBN 189450
4 Special Assistant United States Attorney

5 333 Market Street, Suite 1500
San Francisco, California 94105
6 Telephone: (415) 977-8938
Facsimile: (415) 744-0134
7 E-Mail: Theophous.Reagans@ssa.gov

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12
13 MICHAEL EUGENE PERRY,)

14 Plaintiff,)

15 v.)

16 MICHAEL J. ASTRUE,)
Commissioner of)
Social Security,)

17 Defendant.)
18)
19)

CIVIL NO. CV 09-4908-MEJ

STIPULATION AND PROPOSED ORDER
SETTLING ATTORNEY'S FEES
PURSUANT TO THE EQUAL ACCESS TO
JUSTICE ACT, 28 U.S.C. § 2412(d)

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
21 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
22 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND FIVE HUNDRED dollars
23 and 00 cents (\$6,500.00). This amount represents compensation for all legal services rendered on behalf
24 of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

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

1 Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will
2 determine whether they are subject to any offset.

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

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

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

14 Respectfully submitted,

15 Dated: December 6, 2011

/s/ Dolly M. Trompeter
(As authorized via email)
DOLLY M. TROMPETER
Attorney for Plaintiff

17 Dated: December 6, 2011

MELINDA L. HAAG
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration


/s/Theophous H. Reagans
THEOPHOUS H. REAGANS
Special Assistant U.S. Attorney

Attorneys for Defendant

24 **ORDER**

25 **APPROVED AND SO ORDERED:**

26
27 Dated: 12/15/11



MARIA-ELENA JAMES
United States Magistrate Judge