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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 NANCY R. LUALHATI,

12 Plaintiff,

13 v.

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

16 Defendant.

CIVIL NO. C10- 00341 EMC

17 STIPULATION AND ORDER
 CONCERNING ATTORNEY FEES
 PURSUANT TO THE EQUAL ACCESS TO
 JUSTICE ACT

18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 19 subject to the Court's approval, that Plaintiff does not object to the Commissioner's opposition to Plaintiff's
 20 motion for attorney's fees under the Equal Access to Justice Act (EAJA) as being untimely filed. The parties
 21 further stipulate that the EAJA matter be submitted on the briefs and respectfully request that the hearing
 22 scheduled for November 24, 2010 be cancelled.

23 The parties further agree that, should this Court award any EAJA fees, the Commissioner withdraws
 24 section C of his opposition to Plaintiff's motion (Docket # 27), and the Order awarding fees contain the
 25 following language:

26 The government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to
 27 Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor
 28 the assignment will depend on whether the fees and expenses are subject to any offset allowed under the

1 United States Department of the Treasury's Offset Program. The government will determine whether the
2 fees awarded are subject to any offset. Fees and expenses shall be made payable to Plaintiff, unless the
3 Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall
4 cause the payment of fees, expenses and costs to be made directly to Barbara M. Rizzo to the assignment
5 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

6
7 Dated: November 10, 2010 /s/ Barbara M. Rizzo
8 (As authorized via telephone)

9 BARBARA M. RIZZO
10 P. O. Box 15
Moss Beach, CA 94038

11 Attorney for Plaintiff

12 MELINDA L. HAAG
13 United States Attorney

14 Dated: November 10, 2010 By: /s/ Elizabeth Firer
15 ELIZABETH FIRER
16 Special Assistant United States Attorney

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.
18 Parties shall appear by telephone. Court will initiate call.

19 Dated: 11/22/10
20 _____

21 EDWARD M. CHEN
22 United States District Judge

