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Attorneys for Defendant  
Commissioner of Social Security

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLENE LEE RITCHIE,	)	
Plaintiff,	)	CIVIL NO. 10-cv-01024-SI
	)	
v.	)	STIPULATON AND PROPOSED ORDER FOR
	)	THE AWARD OF ATTORNEY FEES PURSUANT
MICHAEL J. ASTRUE,	)	TO THE EQUAL ACCESS TO JUSTICE ACT,
Commissioner of Social Security,	)	28 U.S.C. § 2412(d)
Defendant.	)	
	)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND TWO HUNDRED DOLLARS AND 0 CENTS (\$4,200.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, No. 08-1322, 2010 WL 2346547 (U.S. June 14, 2010), the

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1 ability to honor the assignment will depend on whether the fees and expenses are subject to any  
2 offset allowed under the United States Department of the Treasury's Offset Program. After the  
3 order for EAJA fees and expenses and costs is entered, the government will determine whether  
4 they are subject to any offset.

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

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

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

16  
17 Dated: December 14, 2010

Respectfully submitted,  
MELINDA L. HAAG  
United States Attorney

20 By /s/ Leslie Alexander  
21 LESLIE ALEXANDER  
22 Special Assistant U.S. Attorney

23 Attorneys for Defendant

24 Dated: December 14, 2010

By /s/David J. Linden  
[authorized via electronic mail on 12/14/10]  
DAVID J. LINDEN  
Attorney for Plaintiff

27  
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APPROVED AND SO ORDERED:

DATED \_\_\_\_\_

ORDER



SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE