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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ROBERT MARTIN,)	CIVIL ACTION NO. 3:10-CV-04994-BZ
17 Plaintiff,)	
18 v.)	
19 MICHAEL J. ASTRUE,)	STIPULATION AND PROPOSED ORDER
20 Commissioner of Social Security,)	FOR THE AWARD OF ATTORNEY'S FEES
21 Defendant.)	PURSUANT TO THE EQUAL ACCESS TO
)	JUSTICE ACT, 28 U.S.C. § 2412, AND COSTS
)	PURSUANT TO 28 U.S.C. § 1920

22 IT IS HEREBY STIPULATED by and between the parties through their undersigned
23 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
24 EAJA in the amount of THREE THOUSAND NINE HUNDRED FIFTY dollars and 0 cents
25 (\$3,950.00), and costs in the amount of SEVENTY-SEVEN dollars and 0 cents (\$77.00) pursuant
26 to 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on
27 behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28
28 U.S.C. §§ 1920 and 2412.

After the Court issues an order for EAJA fees 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, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on
whether the fees and expenses are subject to any offset allowed under the United States
Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is
Stip and Prop. Order for EAJA, 3:10-cv-04994-BZ

1 entered, the government will determine whether they are subject to any offset.

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

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

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

13 Respectfully submitted December 1, 2011.

14 Respectfully submitted,

15 Dated: December 1, 2011

/s/ Henry F. Reynolds
(as authorized via e-mail)
HENRY F. REYNOLDS
Attorney for Plaintiff

18 MELINDA L. HAAG
United States Attorney

19 Dated: December 1, 2011

20 By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U.S. Attorney

21 Attorneys for Defendant

22 ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24
25
26
27 DATED: 1 Dec '11


BERNARD ZIMMERMAN
UNITED STATE MAGISTRATE JUDGE