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8 Attorneys for Defendant

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

12 JEFFREY PATTERSON,

13 Plaintiff,

14 v.

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

17 Defendant.

CIVIL NO. 11-00925 EDL

STIPULATION AND ~~PROPOSED~~ ORDER  
 AWARDING ATTORNEY FEES UNDER THE  
 EQUAL ACCESS TO JUSTICE ACT,  
 28 U.S.C. § 2412(d)

18  
 19 IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, subject  
 20 to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to  
 21 Justice Act in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS AND NO  
 22 CENTS (\$2,500.00). This amount represents compensation for all legal services rendered on  
 23 behalf of Plaintiff by counsel in connection with this civil action for services performed before  
 24 the district court 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  
 26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's  
 27 attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to honor the assignment

1 will depend on whether the fees and expenses are subject to any offset allowed under the United  
2 States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses  
3 is entered, the government will determine whether they are subject to any offset. Fees and  
4 expenses shall be made payable to Plaintiff, but if the Department of the Treasury determines  
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
6 expenses and costs to be made directly to Tom Weathered, pursuant to the assignment executed  
7 by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
9 attorney fees and does not constitute an admission of liability on the part of Defendant under the  
10 EAJA. Payment in the aforementioned sum under EAJA shall constitute a complete release from  
11 and bar to any and all claims, rights, causes of action, liens or subrogated interests relating to  
12 attorneys fees and costs incurred in this action under EAJA.

13 The settlement of Plaintiff's claim for EAJA attorney fees does not preclude Plaintiff's  
14 counsel from seeking attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, subject  
15 to the offset provisions of the law.

17 Respectfully submitted,

18 DATE: 12/1/11

/s/ Tom F. Weathered  
(As authorized via e-mail)  
TOM F. WEATHERED  
Attorney for Plaintiff

21 DATE: 1/12/12

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

24 By: /s/ Leo R. Montenegro  
LEO R. MONTENEGRO  
Special Assistant U.S. Attorney

26 Attorneys for Defendant

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~~PROPOSED~~ ORDER

Approved and so ordered.

DATED: January 10, 2012

