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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11	GINO HERRERA,)	CIVIL NO. 3:11-CV-03405-EDL
12	Plaintiff,)	STIPULATION AND PROPOSED ORDER
13	v.)	APPROVING SETTLEMENT OF
14	MICHAEL J. ASTRUE,)	ATTORNEY FEES PURSUANT TO THE
15	Commissioner of)	EQUAL ACCESS TO JUSTICE ACT
16	Social Security,)	
17	Defendant.)	

18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,
 19 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice
 20 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE THOUSAND, SEVEN-HUNDRED AND
 21 EIGHTY DOLLARS AND ZERO CENTS (\$3,780.00). This amount represents compensation for all
 22 legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 23 accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 25 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant
 26 to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend
 27 on whether the fees and expenses are subject to any offset allowed under the United States Department
 28

1 of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the
2 government will 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 the Homeless Action Center, pursuant to the assignment
6 executed 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 Dated: August 22, 2012

By: /s/ Daniel Homer
(As authorized by email on 8/22/12 at 9:30 a.m.)
DANIEL HOMER
Attorney for Plaintiff

BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

20 Dated: August 22, 2012

By: /s/ Lynn M. Harada
LYNN M. HARADA
Special Assistant United States Attorney

22 ORDER

23 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the
24 amount of THREE THOUSAND, SEVEN-HUNDRED AND EIGHTY DOLLARS AND ZERO CENTS
25 (\$3,780.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced Stipulation.

27 Dated: August 23, 2012

26 
28 THE HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge