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7 Attorneys for Defendant

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

11 MICHAEL JOHN FORSYTHE, )  
 12 Plaintiff, )  
 13 v. )  
 14 MICHAEL ASTRUE, )  
 15 Commissioner of Social Security, )  
 16 Defendant. )

CASE NO.: C-3:12-cv-02093-MEJ

STIPULATION FOR THE AWARD AND  
 PAYMENT OF ATTORNEY FEES PURSUANT  
 TO THE EQUAL ACCESS TO JUSTICE ACT,  
 28 U.S.C. § 2412(d) AND COSTS PURSUANT  
 TO 28 U.S.C. § 1920

17 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 18 subject to the approval of the Court, that Michael John Forsythe will be awarded attorney fees in the  
 19 amount of four-thousand, six-hundred dollars (\$4,600.00) under the Equal Access to Justice Act  
 20 (EAJA), 28 U.S.C. § 2412(d) and three-hundred and fifty dollars (\$350.00) in costs under Taxation of  
 21 Costs, 28 U.S.C. § 1920.<sup>1</sup> This amount represents compensation for all legal services rendered on behalf  
 22 of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d),  
 23 1920.

24 After the Court issues an order for EAJA fees to Michael John Forsythe, Defendant will consider  
 25 any assignment of EAJA fees to David Joseph Linden. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521,  
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27 <sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013.  
 28 Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted  
 for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit  
 by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 2252-2253 (2010), the ability to honor any such assignment will depend on whether the fees are subject  
2 to any offset allowed under the United States Department of the Treasury's Offset Program. After the  
3 order for EAJA fees is entered, Defendant will determine whether they are subject to any offset.

4 Fees shall be made payable to Michael John Forsythe, but if the Department of the Treasury  
5 determines that Michael John Forsythe does not owe a federal debt, then the government shall cause the  
6 payment of fees to be made directly to the David Joseph Linden, pursuant to any assignment executed  
7 by Plaintiff. Any payments made shall be delivered to David Joseph Linden.

8 This stipulation constitutes a compromise settlement of Michael John Forsythe's request for EAJA  
9 attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA.  
10 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims  
11 that Michael John Forsythe and/or David Joseph Linden may have relating to EAJA attorney fees in  
12 connection with this action. This award is without prejudice to the rights of David Joseph Linden to seek  
13 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of  
14 the EAJA.

15 Respectfully submitted,

16 Dated: February 25, 2013

/s/ David Joseph Linden  
(as authorized via e-mail)  
David Joseph Linden  
Attorney for Plaintiff

MELINDA L. HAAG  
United States Attorney

20 Dated: February 25, 2013

By /s/ Elizabeth Barry  
ELIZABETH BARRY  
Special Assistant U.S. Attorney  
Attorneys for Defendant

24 ORDER

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: February 25, 2013

  
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MARIA-ELENA JAMES  
UNITED STATES MAGISTRATE JUDGE