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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEBREMEDHIN HADERA,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,

Defendant.

CIVIL NO. 3:12-cv-05315-EMC

STIPULATION AND ~~PROPOSED~~ ORDER
APPROVING SETTLEMENT 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

IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel, subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND, SIX-HUNDRED DOLLARS AND ZERO CENTS (\$6,600.00), and costs in the amount of THREE HUNDRED AND FIFTY DOLLARS AND ZERO CENTS (\$350.00), under 28 U.S.C. § 1920. 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 and costs to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and costs 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 and costs 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 and costs is entered, the government will determine whether they are subject to any offset.

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

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

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

12 Respectfully submitted,

13 Dated: October 29, 2013

By: /s/ Steven M. Chabre
 (As authorized by email on 10/28/13)
 STEVEN M. CHABRE
 Attorney for Plaintiff

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

19 Dated: October 29, 2013

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

21 ORDER

22 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the
 23 amount of SIX THOUSAND, SIX-HUNDRED DOLLARS AND ZERO CENTS (\$6,600.00), and costs in
 24 the amount of THREE HUNDRED AND FIFTY DOLLARS AND ZERO CENTS (\$350.00), as authorized
 25 by 28 U.S.C. §§ 1920 and 2412(d), subject to the of the above-referenced Stipulation.

27 Dated: 10/30/13

28 
 THE HONORABLE EDWARD M. CHEN
 United States District Judge