

1 TONY ARJO, SBN 151890  
1440 Broadway, Suite 1019  
2 Oakland, CA 94612  
(510) 451-2334  
3 FAX: (510) 451-2310

4 Attorney for Plaintiff

5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 BRIAN BYRNE,

12 Plaintiff

13 vs.

14 CAROLYN W. COLVIN,  
Commissioner of  
15 Social Security,

16 Defendant

)  
) Case Number: 13-cv-4720 JCS  
)  
)  
)

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

17  
18 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
19 counsel, subject to approval of the Court, that Plaintiff be awarded attorney fees under the  
20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TWO  
21 THOUSAND SEVEN HUNDRED DOLLARS (\$2700.00). This amount represents  
22 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection  
23 with this civil action, in accordance with 28 U.S.C. §§1920, 2412(d).

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
25 the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney. The retainer  
26 agreement containing the assignment is attached. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,  
27 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to  
28 any offset allowed under the United States Department of the Treasury's Offset Program. After

1 the order for EAJA fees is entered, the government will determine whether they are subject to  
2 any offset.

3 Fees shall be made payable to Plaintiff, Brian Byrne, but if the Department of the  
4 Treasury determines that Brian Byrne does not owe a federal debt, then the government shall  
5 cause the payment of fees, expenses and costs to be made directly to Plaintiff's attorney, Tony  
6 Arjo, pursuant to the assignment executed by Brian Byrne.

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

12 This award is without prejudice to the rights of Tony Arjo to seek Social Security Act  
13 attorney fees under 42 U.S.C §406(b), subject to the savings clause provisions of the EAJA.

14 Respectfully submitted,

15  
16 DATE: June 19, 2015

By: /s/ Tony Arjo  
TONY ARJO  
Attorney for Plaintiff

17  
18 DATE: June 19, 2015

MELINDA L. HAAG  
United States Attorney  
By: /s/ Annabelle J. Yang\*  
(\*by email authorization on 6/19/15)  
ANNABELLE J. YANG  
Special Assistant United States Attorney  
Attorneys for Defendant

22 ORDER

23 APPROVED AND SO ORDERED.

24 DATED: June 23, 2015

25  
26  
27  
28  
JOSEPH C. SPERO  
UNITED STATES DISTRICT JUDGE  
