

1 David J. Linden
 Attorney at Law
 2 CSBN 41221
 Post Office Box 5780
 3 Napa, CA 94581-0780
 Tel. (707) 252-7007
 4 Fax. (707) 252-7883
 Email - david@lindenlaw.net

5 Attorney for Plaintiff

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

11 EDWARD B. STEPHENS,)	Case No.: 3:13-cv-05156-RS
)	
12 Plaintiff,)	STIPULATION AND PROPOSED ORDER FOR THE
)	AWARD OF ATTORNEY'S FEES PURSUANT TO
13 vs.)	THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C.
)	§ 2412(D)
14 CAROLYN W.COLVIN, Acting Commissioner of)	
15 Social Security,)	
)	
16 Defendant.)	
)	
17)	

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to
 19 the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of seven thousand four hundred
 20 dollars (\$7,400.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents
 21 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in
 22 accordance with 28 U.S.C. §§ 2412(d); 1920.

23
 24 After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any assignment of EAJA fees
 25 to David J. Linden. Pursuant to *Astrue v. Raliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such
 assignment will depend on whether the fees are subject to any offset allowed under the United States Department of

1 the Treasury's Offset Program. After the order for EAJA fees is entered, the Defendant will determine whether they
2 are subject to any offset.

3
4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe
5 a federal debt, then the government shall cause the payment of fees to be made directly to David J. Linden, pursuant
6 to any assignment executed by Plaintiff. Any payments made shall be delivered to David J. Linden.

7 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not
8 constitute an admission of liability on the part of Defendant. This award is without prejudice to the rights of
9 Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the
10 EAJA.

11
12 Dated: February 13, 2015

/s/ David J. Linden
DAVID J. LINDEN
Attorney for Plaintiff

13
14 Dated: February 13, 2015

MELINDA L. HAAG
United States Attorney

15
16 By */s/ Marla K. Letellier*
MARLA K. LETELLIER
17 (as authorized by email on 02/13/2015)
Special Assistant US Attorney
18 Attorneys for Defendant

19 ORDER

20 PURSUANT TO STIPULATION , IT IS SO ORDERED:

21
22
23 Dated: February 17, 2015



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE