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8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 TAMRA LENEEN BROWN,
12 Plaintiff,

13 vs.

14 CAROLYN W. COLVIN,
15 Acting Commissioner of Social Security,
16 Defendant

Case No.: 3:14-CV-01900-EMC

STIPULATION AND PROPOSED ORDER
FOR THE AWARD OF ATTORNEY FEES
PURSUANT TO 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 the approval of the Court, that Plaintiff be awarded attorney fees under the
20 EAJA in the amount of FOUR THOUSAND SIX HUNDRED THIRTY-EIGHT AND TEN
21 CENT (\$4,638.10). This amount represents compensation for all legal services rendered on
22 behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28
23 U.S.C. § 2412.
24

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government
26 will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's
27 attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the
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STIPULATION AND PROPOSED ORDER FOR THE AWARD OF ATTORNEY FEES
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1 assignment will depend on whether the fees and expenses are subject to any offset allowed under
2 the United States Department of the Treasury's Offset Program. After the order for EAJA fees
3 and expenses is entered, the government will determine whether they are subject to any offset.
4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
5 determines that Plaintiff does not owe a federal debt, then the government shall cause the
6 payment of fees, expenses and costs to be made directly to Ann M. Cerney, pursuant to the
7 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
8

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees and expenses, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses in connection with this action.
14

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.
17

18 Respectfully submitted,

19 Dated: November 21, 2014

/s/ Ann M. Cerney

ANN M. CERNEY
Attorney for Plaintiff

BENJAMIN B. WAGNER
United States Attorney
DONNA L. CALVERT
Regional Chief Counsel

25
26 Date: November 21, 2014

/s/ Kevin Gregory Gill

(As authorized via email on 11/21/14)
KEVIN GREGORY GILL
Special Assistant United States Attorney

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ORDER

Pursuant to the stipulation, it is so ordered.

DATE: ~~November 21, 2014~~ December 1, 2014

EDWARD M. CHEN
UNITED STATES DISTRICT COURT

