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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

11	DIANA ALISSA BENNETT,	)	Case No.: 3:15-cv-04415-JST
12		)	
13	Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER FOR THE
14	vs.	)	AWARD OF ATTORNEY'S FEES PURSUANT TO
15	CAROLYN W.COLVIN, Acting Commissioner of	)	THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C.
16	Social Security,	)	§ 2412(D)
17	Defendant.	)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff will be awarded attorney fees in the amount of six thousand, five hundred dollars (\$6,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). 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. §§ 2412(d); 1920.

After the Court issues an order for EAJA fees to Plaintiff, the Defendant will consider any assignment of EAJA fees to David J. Linden. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253 (2010), the ability to honor any such

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

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

12 Dated: November 8, 2016

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

14 Dated: November 8, 2016


BRIAN STRETCH  
United States Attorney

16 By /s/ Marcelo Illarmo  
17 MARCELO ILLARMO  
18 (as authorized by email on 11/08/2016)  
Special Assistant US Attorney  
Attorneys for Defendant

20 ORDER

21 PURSUANT TO STIPULATION , IT IS SO ORDERED:

23 Dated: November 9, 2016

  
\_\_\_\_\_  
JON S. TIGAR  
UNITED STATES DISTRICT JUDGE