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14 Attorneys for Defendant

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 16 **UNITED STATES DISTRICT COURT**  
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 18 **NORTHERN DISTRICT OF CALIFORNIA**

19  
 20 **THOMAS A. MICHALSKI,** ) **No. 3:15-cv-04483-~~EMC~~ EMC**  
 Plaintiff, )  
 21 v. ) **STIPULATION AND PROPOSED**  
 22 ) **ORDER FOR THE AWARD AND**  
 23 ) **PAYMENT OF ATTORNEY'S FEES AND**  
 ) **EXPENSES PURSUANT TO THE**  
 24 **CAROLYN W. COLVIN,** ) **EQUAL ACCESS TO JUSTICE ACT, 28**  
 Acting Commissioner of ) **U.S.C. § 2412(d), AND COSTS**  
 25 Social Security, ) **PURSUANT TO 28 U.S.C. § 1920**  
 Defendant.

26  
 27 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
 28 counsel, subject to the approval of the Court, that Thomas A. Michalski, (Plaintiff) be awarded

1 attorney fees and expenses of SEVEN THOUSAND FIFTY DOLLARS (\$7050.00) and costs in  
2 the amount of FOUR HUNDRED DOLLARS (\$400) under the Equal Access to Justice Act  
3 (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services  
4 rendered on behalf of Plaintiff by Dolly M. Trompeter (counsel) in connection with this civil  
5 action, in accordance with 28 U.S.C. §§ 1920; 2412(d).  
6

7 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
8 the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to Astrue v. Ratliff, 560  
9 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will  
10 depend on whether the fees are subject to any offset allowed under the United States Department  
11 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
12 determine whether they are subject to any offset.  
13

14 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
15 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
16 expenses and costs to be made directly to counsel, pursuant to the assignment executed by  
17 Plaintiff. Any payments made shall be delivered to counsel.  
18

19 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
20 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
21 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
22 bar to, any and all claims that Plaintiff and/or counsel, including counsel's firm or associates,  
23 may have relating to EAJA attorney fees in connection with this action.

24 This award is without prejudice to the rights of counsel and/or counsel's firm to seek  
25 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
26 provisions of the EAJA.  
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Respectfully submitted,

DOLLY M. TROMPETER

DATE: December 1, 2016

By /s/ "Dolly M. Trompeter"

DOLLY M. TROMPETER  
Attorney for Plaintiff

BRIAN J. STRETCH

DATE: December 1, 2016

By /s/ "Richard Rodriguez"

RICHARD RODRIGUEZ  
Special Assistant United States Attorney  
Attorney for Defendant

OF COUNSEL TO DEFENDANT:

DEBORAH L. STACHEL  
Regional Chief Counsel, Region IX

**ORDER**

BASED UPON THE PARTIES' STIPULATION FOR THE AWARD AND PAYMENT OF EQUAL ACCESS TO JUSTICE ACT FEES AND EXPENSES IN THE AMOUNT OF \$7050.00 AND COSTS IN THE AMOUNT OF \$400.00, IT IS ORDERED THAT FEES AND EXPENSES/COSTS TOTALING THE AMOUNT OF \$7450.00 AS AUTHORIZED BY 28 U.S.C. § 2412 BE AWARDED SUBJECT TO THE TERMS OF THE STIPULATION.

**DATED:** 12/6/2016

HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
IT IS SO ORDERED  
COURT JUDGE  
ORNIA

