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16 Attorney for Defendant

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

17 SHARLET HUDSON,)	
18 Plaintiff,)	CIVIL NO. 3:15-CV-04921-MEJ
19 v.)	STIPULATION TO PLAINTIFF'S AWARD
20 CAROLYN W. COLVIN,)	OF ATTORNEY'S FEES AND COSTS AND
21 Acting Commissioner of Social Security,)	PROPOSED ORDER
22 Defendant.)	
)	

23
 24 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
 25 counsel, subject to the approval of the Court, that Plaintiff's counsel, as Plaintiff's assignee, be
 26 awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of FIVE
 27 THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$5750.00). This amount
 28 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. §§ 1920, 2412(d).

1 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
2 attorney fees, and does not constitute an admission of liability on the part of Defendant under
3 the EAJA. Payment of five thousand seven hundred and fifty dollars (\$5750.00) in EAJA
4 attorney fees shall constitute a complete release from and bar to any and all claims Plaintiff
5 may have relating to EAJA fees, expenses, and/or costs in connection with this action.

6 After this Court issues an order for EAJA fees to Plaintiff, the Commissioner will
7 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. The ability
8 to honor the assignment will depend on whether the fees are subject to any offset allowed
9 under the United States Department of the Treasury's Offset Program and the Commissioner
10 will determine whether the fees are subject to an offset. *See Astrue v. Ratliff*, 560 U.S. 586,
11 598 (2010). Any payment shall be made payable to Plaintiff, but if the Department of the
12 Treasury determines that Plaintiff does not owe a Federal debt, then the Commissioner shall
13 cause the payment of fees and costs to be made directly to Plaintiff's counsel pursuant to the
14 assignment executed by Ms. Hudson (attached).

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

18
19 Dated: December 16, 2016


KYLE KITSON
Attorney for Plaintiff Sharlet Hudson

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27 Date: December 16, 2016

ALEX GENE TSE
United States Attorney

1 By: /s/*Patrick Snyder
2 Patrick Snyder
3 Special Assistant United States Attorney
4 * by email authorization 12/16/2016

5 Attorneys for Defendant

6 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act
7 Fees And Costs, IT IS ORDERED that Plaintiff shall be awarded attorney fees under the EAJA
8 in the amount of five thousand seven hundred and fifty dollars and zero cents (\$5750.00), as
9 authorized by 28 U.S.C. §§ 1920, 2412(d), subject to the terms of the above-referenced
10 Stipulation.

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14 Dated: December 19, 2016



15 THE HONORABLE MARIA-ELENA JAMES
16 United States Magistrate Judge



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**FEE AGREEMENT AND ASSIGNMENT OF FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

I, SHARLET HUDSON, 545-79-6083, hereby retain the Homeless Action Center to represent me in federal court review of my SSI/Social Security claim for benefits under the Social Security Act. I understand that this fee agreement and assignment applies only to work on my behalf in the Northern District of California. I understand more than one attorney at the Homeless Action Center may work on my case.

I understand that the Equal Access to Justice Act (5 U.S.C 504) provides for an award of reasonable attorney fees and expenses to eligible prevailing parties. If federal court review of my case results in a favorable decision to me, either by having my case remanded or by obtaining benefits outright by court order, I understand that my attorney, on behalf of the Homeless Action Center, may apply for statutory fees and expenses under the Equal Access to Justice Act ("EAJA," 5 U.S.C. 504).

I hereby assign any EAJA attorney fees and expenses to the Homeless Action Center, whether or not I ever receive benefits under the Social Security Act. I agree any EAJA fees and expenses may be paid directly to the Homeless Action Center, and I authorize the Homeless Action Center to endorse my name on any check paying EAJA fees and expenses.

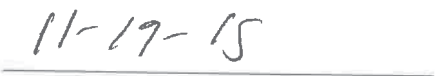
This agreement and assignment only pertains to EAJA fees and expenses for work on my behalf in federal court, and is in addition to the agreement previously signed for representation before the Social Security Administration. This agreement and assignment does not affect the Homeless Action Center's waiver of any non-EAJA fee under sections 206 and 1631(d)(2) of the Social Security Act.



Client



Attorney



Date



Date