

1 MELINDA L. HAAG, CSBN 132612  
 United States Attorney  
 2 DONNA L. CALVERT  
 Acting Regional Chief Counsel, Region IX  
 3 Social Security Administration  
 LYNN M. HARADA, CSBN 267616  
 4 Special Assistant United States Attorney

5 333 Market Street, Suite 1500  
 San Francisco, California 94105  
 6 Telephone: (415) 977-8977  
 Facsimile: (415) 744-0134  
 7 E-Mail: Lynn.Harada@ssa.gov

8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11	MARVIN L. OUTIN,	)	CIVIL NO. 4:10-CV-01764-CW
12	Plaintiff,	)	
13	v.	)	STIPULATION AND <del>PROPOSED</del> ORDER
14	MICHAEL J. ASTRUE,	)	APPROVING SETTLEMENT OF
15	Commissioner of	)	ATTORNEY FEES PURSUANT TO THE
16	Social Security,	)	EQUAL ACCESS TO JUSTICE ACT
17	Defendant.	)	

18 IT IS HEREBY STIPULATED by and between the parties, through their undersigned counsel,  
 19 subject to the Court's approval, that Plaintiff be awarded attorney fees under the Equal Access to Justice  
 20 Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FOUR THOUSAND, TWO-HUNDRED AND  
 21 SEVENTY-THREE DOLLARS AND ZERO CENTS (\$4,273.00). This amount represents  
 22 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this  
 23 civil action, in accordance with 28 U.S.C. § 2412(d).

24 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 25 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney.  
 26 Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment  
 27 will depend on whether the fees and expenses are subject to any offset allowed under the United States  
 28 Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered,  
 the government will determine whether they are subject to any offset.

1 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury  
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of  
3 fees, expenses and costs to be made directly to the Homeless Action Center, pursuant to the assignment  
4 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

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

12  
13 Dated: November 3, 2011 /s/ Mary A. Gilg  
14 As authorized via email on 11/3/11 at 11:33 a.m.  
15 MARY A. GILG  
16 Attorney for Plaintiff

17 Dated: November 3, 2011 MELINDA L. HAAG  
18 United States Attorney  
19 DONNA L. CALVERT  
20 Acting Regional Chief Counsel, Region IX  
21 Social Security Administration

22 By: /s/ Lynn M. Harada  
23 LYNN M. HARADA  
24 Special Assistant United States Attorney

25 ORDER

26 PURSUANT TO STIPULATION, IT IS SO ORDERED that Plaintiff shall be awarded attorney fees in the  
27 amount of FOUR THOUSAND, TWO-HUNDRED AND SEVENTY-THREE DOLLARS AND ZERO  
28 CENTS (\$4,273.00), as authorized by 28 U.S.C. § 2412(d), subject to the terms of the above-referenced  
Stipulation.

Dated: 11-7-2011

  
THE HONORABLE CLAUDIA WILKEN  
United States District Court Judge