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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 OAKLAND DIVISION

12	PATRICIA HERBORN,)	Case No. 4:11-cv-0013-SBA
13)	
14	Plaintiff,)	
14	v.)	JOINT MOTION AND ORDER
15)	FOR THE AWARD OF ATTORNEY FEES
16	MICHAEL J. ASTRUE,)	
16	COMMISSIONER OF)	
16	SOCIAL SECURITY,)	
17)	
17	Defendant.)	

18
 19 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
 20 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to
 21 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of three thousand and two hundred dollars
 22 and no cents (\$3,200.00). This amount represents compensation for all legal services rendered on
 23 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
 24 § 2412(d).

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 26 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney.
 27 Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend
 28 on whether the fees and expenses are subject to any offset allowed under the United States
 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 Pamela R. Vincent, 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
6 fees and expenses, and does not constitute an admission of liability on the part of Defendant under the
7 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
8 all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees, expenses,
9 and costs in 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 provisions of the EAJA.

12 Respectfully submitted,
13 Dated: October 25, 2011 /s/ Pamela Vincent
14 (As authorized via email)
15 PAMELA VINCENT
Attorney for Plaintiff

16 Dated: October 13, 2011 MELINDA L. HAAG
17 United States Attorney
18 DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
19 Social Security Administration

20 /s/ Kathryn R. Watson
21 KATHRYN R. WATSON
Special Assistant United States Attorney
22 Attorneys for Defendant

23 **IT IS SO ORDERED:**

24
25 Dated: _10/31/11
26 
27 THE HONORABLE SAUNDRA BROWN ARMSTRONG
United States Judge