

1 TONY ARJO, SBN 151890
 1440 Broadway, Suite 1019
 2 Oakland, CA 94612
 (510) 451-2334
 3 FAX: (510) 451-2310

4 Attorney for Plaintiff

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

11 WAJIHA ASHUFTA,)
)
 12 Plaintiff)
)
 13 vs.)
)
 14 CAROLYN W. COLVIN,)
 Acting Commissioner of)
 15 Social Security,)
)
 16 Defendant)
)
 17

CIVIL NO. 12-4076 SBA

STIPULATION AND ~~PROPOSED~~ ORDER
 AWARDING ATTORNEY FEES UNDER
 THE EQUAL ACCESS TO JUSTICE ACT,
 28 U.S.C. §2412(d)

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
 19 counsel, subject to approval of the Court, that Plaintiff be awarded attorney fees under the
 20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE
 21 THOUSAND, THREE HUNDRED AND FORTY-SEVEN DOLLARS (\$3347.00), and costs
 22 in the amount of THREE HUNDRED AND FIFTY DOLLARS (\$350.00). This amount
 23 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in
 24 connection with this civil action, in accordance with 28 U.S.C. §§1920, 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government will consider
 26 the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney. The retainer
 27 agreement containing the assignment is attached. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,
 28 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to

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

4 Fees shall be made payable to Plaintiff, Wajiha Ashufta, but if the Department of the
5 Treasury determines that Wajiha Ashufta does not owe a federal debt, then the government
6 shall cause the payment of fees, expenses and costs to be made directly to Plaintiff's attorney,
7 Tony Arjo, pursuant to the assignment executed by Wajiha Ashufta.

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

13 This award is without prejudice to the rights of Tony Arjo to seek Social Security Act
14 attorney fees under 42 U.S.C §406(b), subject to the savings clause provisions of the EAJA.

15 Respectfully submitted,

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17 DATE: May 20, 2014

By: /s/ Tony Arjo
TONY ARJO
Attorney for Plaintiff

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19 DATE: May 20, 2014

By: MELINDA L. HAAG
United States Attorney
/s/ Patrick William Snyder*
(*by email authorization on 5/19/14)
PATRICK WILLIAM SNYDER
Special Assistant United States Attorney
Attorneys for Defendant

20
21
22
23 ORDER

24 APPROVED AND SO ORDERED.

25 DATED: 6/11/2014


SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE