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8 Attorneys for Defendant

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 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12	TONY FRAGOZA,	)	Case No. 4:14-cv-03317-KAW
		)	
13	Plaintiff,	)	STIPULATION FOR THE AWARD AND
	v.	)	PAYMENT OF ATTORNEY FEES
14		)	PURSUANT TO THE EQUAL ACCESS TO
15	CAROLYN W. COLVIN,	)	JUSTICE ACT, 28 U.S.C. § 2412(d) AND
	Acting Commissioner of Social Security,	)	<del>PROPOSED</del> ORDER
16		)	
	Defendant.	)	
17		)	

18  
 19 IT IS HERE BY STIPULATED by and between the parties through their undersigned  
 20 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the amount  
 21 of three thousand seven hundred fifty dollars (\$3,750.00) under the Equal Access to Justice Act  
 22 (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services  
 23 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with  
 24 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 to the Homeless Action Center. Pursuant to  
 27 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor  
 28 the assignment will depend on whether the fees are subject to any offset allowed under the United

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

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

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

12 This award is without prejudice to the rights of Kyle Kitson and/or Homeless Action  
13 Center to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings  
14 clause provisions of the EAJA.

15 Respectfully submitted,

16 Date: April 16, 2015

17 By: HOMELESS ACTION CENTER  
18 /s/ Kyle Kitson\*  
KYLE KITSON

19 Attorney for Plaintiff  
20 \*By email authorization on 4/16/2015

21 Date: April 16, 2015

22 By: MELINDA L. HAAG  
United States Attorney  
23 /s/ Jennifer Lee Tarn  
JENNIFER LEE TARN  
24 Special Assistant United States Attorney  
Attorneys for Defendant

25 Of Counsel for Defendant:  
26 Marcelo N. Illarmo, Assistant Regional Counsel  
27 Office of the General Counsel  
28 Social Security Administration

**ORDER**

1           Based upon the parties' Stipulation for the Award and Payment of Attorney fees Pursuant  
2 to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) , IT IS ORDERED that fees in the  
3 amount of \$ 3,750.00, as authorized by 28 U.S.C. § 2412, be awarded subject to the terms of the  
4 Stipulation. .

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6 DATED: 4/17/15

  
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HONORABLE KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE

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