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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 **SAN JOSE DIVISION**

13 MAX FERNANDEZ, )  
 )  
 14 Plaintiff, )  
 )  
 15 v. )  
 )  
 16 MICHAEL J. ASTRUE, )  
 Commissioner of Social Security, )  
 )  
 17 Defendant. )  
 18 \_\_\_\_\_ )

CIVIL NO. 5:08-cv-02266-RMW  
 STIPULATION AND ORDER AWARDING  
 ATTORNEY FEES UNDER THE EQUAL  
 ACCESS TO JUSTICE ACT (28 U.S.C.  
 § 2412(d))

19 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 20 subject to the approval of the Court, that the previously filed Equal Access to Justice Act (EAJA)  
 21 application is hereby withdrawn.

22 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 23 subject to the approval of the Court, that Plaintiff's counsel, as Plaintiff's assignee, be awarded attorney  
 24 fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TWO  
 25 THOUSAND SIX HUNDRED AND FORTY dollars and 00 cents (\$2,640.00). This amount represents  
 26 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this  
 27 civil action, in accordance with 28 U.S.C. § 2412(d).  
 28

1 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
2 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA.  
3 Payment of TWO THOUSAND SIX HUNDRED AND FORTY dollars and 00 cents (\$2,640.00) in  
4 EAJA attorney fees, shall constitute a complete release from and bar to any and all claims Plaintiff may  
5 have relating to EAJA fees in connection with this action. Any payment shall be made payable to  
6 Plaintiff's counsel as Plaintiff's assignee and delivered to Plaintiff's counsel.

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

9 Respectfully submitted,

10 Dated: June 10, 2009

/s/ Terry LaPorte  
(As authorized via email)  
TERRY LAPORTE  
Attorney for Plaintiff

13 Dated: June 10, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney  
LUCILLE GONZALES MEIS  
Regional Chief Counsel, Region IX  
Social Security Administration

/s/ Shea Lita Bond  
SHEA LITA BOND  
Attorneys for Defendant

22 IT IS SO ORDERED:

23 Dated: 7/16/09



~~Magistrate Judge Patricia M. Trumbull~~

Ronald M. Whyte, U.S. District Judge