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8 Attorneys for Defendant

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

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

CIVIL NO. CV-08-2638 PVT  
 STIPULATION AND ~~PROPOSED~~ ORDER  
 AWARDING ATTORNEY FEES UNDER  
 THE EQUAL ACCESS TO JUSTICE ACT  
 (28 U.S.C. § 2412(d))

19 IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, subject to the  
 20 approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act in  
 21 the amount of ONE THOUSAND DOLLARS AND NO CENTS (**\$1,000**). This amount represents  
 22 compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this  
 23 civil action for services performed before the district court in accordance with 28 U.S.C. §§ 1920 and  
 24 2412(d).

25 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
 26 and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment in  
 27 the aforementioned sum under EAJA shall constitute a complete release from and bar to any and all  
 28 claims, rights, causes of action, liens or subrogated interests relating to attorneys fees and costs incurred

1 in this action under EAJA.

2 The parties further stipulate that Plaintiff has made a valid assignment of all his interest in said  
3 attorney's fees to his counsel, HARVEY P. SACKETT. Subject to the approval of the Court, the parties  
4 agree that said attorney's fees shall be paid directly to Plaintiff's attorney in said attorney's name at said  
5 attorney's address as follows:

6 Harvey P. Sackett  
7 Attorney at Law  
8 P. O. Box 5025  
9 San Jose, CA 95150-5025.

10 The settlement of Plaintiff's claim for EAJA attorney fees does not preclude Plaintiff's counsel  
11 from seeking attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, subject to the offset  
12 provisions of the law.

13 Respectfully submitted,

14 Dated: November 20, 2008 \_\_\_\_\_

15 */s/ Harvey P. Sackett*  
16 *(As authorized via facsimile)*  
17 HARVEY P. SACKETT  
18 Attorney for Plaintiff

19 Dated: November 19, 2008 \_\_\_\_\_

20 JOSEPH P. RUSSONIELLO  
21 United States Attorney  
22 LUCILLE GONZALES MEIS  
23 Regional Chief Counsel, Region IX  
24 Social Security Administration

25 By */s/ Sarah Ryan* \_\_\_\_\_

26 SARAH RYAN  
27 Special Assistant United States Attorney

28 Attorneys for Defendant

ORDER

IT IS SO ORDERED:

Dated: 11/21/08

*Patricia V. Trumbull*  
THE HONORABLE PATRICIA V. TRUMBULL  
United States Magistrate Judge