1 2 3 4 5 6 7 8 9	MELINDA HAAG United States Attorney LUCILLE GONZALES MEIS, SBN CO 15153 Regional Chief Counsel, Social Security Admin JACOB M. MIKOW, CSBN 238045 Special Assistant United States Attorney 333 Market Street, Suite 1500 San Francisco, California 94105-2102 Telephone: (415) 977-8976 Facsimile: (415) 744-0134 Email: jacob.mikow@ssa.gov Attorneys for Defendant	istration <u>*E-FILED - 2/3/11*</u>				
10	UNITED STATES DISTRICT COURT					
11	NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION					
12						
13	RONALD JOSEPH PLAGA,	Case No. 09-CV-1194-RMW				
14	Plaintiff,	STIPULATION AND ORDER SETTLING ATTORNEY'S FEES PURSUANT TO THE EQUAL ACCESS				
15	V					
16	MICHAEL J. ASTRUE, Commissioner of Social Security,	TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. §				
17		1920				
18	Defendant.					
19)					
20	IT IS HEREBY STIPULATED by and between the parties through their undersigned					
21	counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the					
22	Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND					
23	DOLLARS AND 00/CENTS (\$5,000.00), and costs in the amount of THREE HUNDRED AND					
24	FIFTY DOLLARS AND 00/CENTS (\$350.00) under 28 U.S.C. § 1920. This amount represents					
25	compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with					
26	this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).					
27	After the Court issues an order for EAJA fees and expenses to Plaintiff, the government					
28	will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's					
	attorney. Pursuant to Astrue v. Ratliff, – S.Ct. –	, 2010 WL 2346547 (U.S. June 14, 2010), the				
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ability to honor the assignment will depend 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.

Fees and expenses shall be made payable to Plaintiff, but if the Department of the
Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
the payment of fees, expenses and costs to be made directly to Dolly M. Trompeter, pursuant to
the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's
counsel, Dolly M. Trompeter.

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

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

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18				Respectfully submitted,	
19				Dolly M. Trompeter	
20	Date:	December 15, 2010		/s/Dolly M. Trompeter*	
21				DOLLY M. TROMPETER (* via email authorization dated December 15, 2010)	
22				Attorney for Plaintiff	
23					
24				MELINDA HAAG	
25				United States Attorney LUCILLE GONZALES MEIS	
26				Regional Chief Counsel, Social Security Administration	
27	Date:	December 15, 2010	By:	/s/Jacob M. Mikow	
28				JACOB M. MIKOW Special Assistant United States Attorney Attorneys for Defendant	
				Attorneys for Defendant	

