

E-FILED - 2/3/11

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Case No. 09-CV-1194-RMW

**STIPULATION AND ORDER
SETTLING ATTORNEY'S FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)
AND COSTS PURSUANT TO 28 U.S.C. §
1920**

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government 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

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

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

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

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 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
22 December 15, 2010)
Attorney for Plaintiff

23
24 MELINDA HAAG
25 United States Attorney
26 LUCILLE GONZALES MEIS
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

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ORDER

APPROVED AND SO ORDERED:

Dated: 2/3/11



RONALD M. WHYTE
United States District Judge