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

12 JAVIER ZAMORA,)
 13)
 Plaintiff,)
 14)
 v.)
 15)
 MICHAEL J. ASTRUE,)
 16 Commissioner of Social Security)
 17 Defendant.)
 18 _____)

CIVIL NO. 5:09-3273-JF

15 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 Plaintiff be awarded attorney fees under the Equal Access to
 21 Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of THREE THOUSAND EIGHT HUNDRED
 22 DOLLARS AND 00/CENTS (\$3800.00). 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 28 U.S.C.
 24 § 2412(d).

25 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will
 26 consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant
 27 to Astrue v. Ratliff, - S.Ct. - , 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the assignment
 28 will depend on whether the fees and expenses are subject to any offset allowed under the United States

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

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

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

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

14
15 Dated: November 19, 2010

By: /s/ Tom Weathered
TOM WEATHERED
(As authorized via e-mail)
Attorney for Plaintiff

MELINDA L. HAAG
United States Attorney

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19 Dated: November 19, 2010

By: /s/ Brenda M. Pullin
BRENDA M. PULLIN
Special Assistant United States Attorney
Attorneys for Defendant

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23 **IT IS SO ORDERED.**

24
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26 Dated: 11/23/10

/S/
THE HONORABLE JEREMY FOGEL
United States District Judge