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9 Attorneys for Defendant

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 VICTORIA MARTINEZ,	)	CIVIL ACTION NO. 09-3471
Plaintiff,	)	
	)	
13 v.	)	STIPULATION FOR THE AWARD
	)	OF ATTORNEY’S FEES PURSUANT
14 MICHAEL J. ASTRUE,	)	TO THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,	)	ACT, 28 U.S.C. § 2412(d)
15 Defendant.	)	
	)	
	)	

17  
 18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
 19 subject to the approval of the Court, that Plaintiff be awarded attorney fees under the EAJA in the  
 20 amount of SIX THOUSAND FIVE HUNDRED dollars and 0 cents (\$6,500.00). This amount  
 21 represents compensation for all legal services rendered on behalf of Plaintiff, to date, by counsel in  
 22 connection with this civil action, in accordance with 28 U.S.C. § 2412.

23 After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will  
 24 consider the matter of Plaintiff’s assignment of EAJA fees and expenses to Plaintiff’s attorney.  
 25 Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend  
 26 on whether the fees and expenses are subject to any offset allowed under the United States  
 27  
 28

1 Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is  
2 entered, the 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  
5 fees, expenses and costs to be made directly to Bess Brewer, pursuant to the assignment executed by  
6 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

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

15 Dated: August 1, 2011

16 /s/ Bess M. Brewer  
17 (as authorized via e-mail)  
18 BESS M. BREWER  
19 Attorney for Plaintiff

20 JOSEPH P. RUSSONIELLO  
21 United States Attorney

22 Dated: August 1, 2011

23 By s/ Sundeep R. Patel  
24 SUNDEEP R. PATEL  
25 Special Assistant U.S. Attorney

26 Attorneys for Defendant

27 ORDER

28 APPROVED AND SO ORDERED:

DATED: \_\_ August 2, 2011 \_\_\_\_\_

Paul S. Grewal  
PAULSINGH GREWAL  
UNITED STATES MAGISTRATE JUDGE