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4 Attorney for Plaintiff  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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12 MALIKA KHAN,

13 Plaintiff,

14 vs.

15 MICHAEL J. ASTRUE, Commissioner, Social  
16 Security Administration

17 Defendant  
18

NO. 09-CV-3731-LHK  
STIPULATION AND ORDER AWARDED  
ATTORNEY FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT (28 U.S.C.  
§ 2412(d))  
19 )

19 IT IS HEREBY STIPULATED by and between the parties through their  
20 undersigned counsel, subject to the approval of the Court, that Plaintiff be  
21 awarded attorney fees under the Equal Access to Justice Act (EAJA), in the  
22 amount of FOUR THOUSAND dollars (\$4,000). This amount represents  
23 compensation for all legal services rendered on behalf of Plaintiff by counsel in  
24 connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

25 After the Court issues an order for EAJA fees to Plaintiff, the government  
26 will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's  
27 attorney. Pursuant to *Astrue v. Ratliff*, – S.Ct. –, 2010 WL 2346547 (U.S. June 14,  
28 2010), the ability to honor the assignment will depend on whether the fees are

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

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

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

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

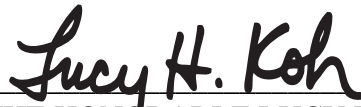
18 Dated: November 19, 2010 By: /s/ TOM WEATHERED  
19 Attorney for Plaintiff

20 MELINDA L. HAAG  
21 United States Attorney

22 Dated: November 19, 2010 By: /s/ ARMAND ROTH  
23 (*As authorized via e-mail*)  
24 Special Assistant United States Attorney  
25 Attorneys for Defendant

26 **IT IS SO ORDERED.**

27 Dated: January 28, 2011  
28

  
THE HONORABLE LUCY H. KOH  
United States District Judge