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HARVEY P. SACKETT (72488)

**SACKETT  
AND HERRERA**  
A PROFESSIONAL LAW CORP.

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Attorney for Plaintiff

/amb

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROBERT J. HARRIS,	)	Case No: 5:11-cv-03229-LHK
	)	
Plaintiff,	)	
	)	
v.	)	STIPULATION AND PROPOSED ORDER
	)	SETTLING ATTORNEY'S FEES
MICHAEL J. ASTRUE,	)	PURSUANT TO THE EQUAL ACCESS TO
Commissioner,	)	JUSTICE ACT, 28 U.S.C. § 2412(d)
Social Security Administration,	)	
	)	
Defendant.	)	
	)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND TWO HUNDRED DOLLARS (\$5,200.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

1 After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the  
2 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and  
3 costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to  
4 honor the assignment will depend on whether the fees, expenses and costs are subject to any  
5 offset allowed under the United States Department of the Treasury's Offset Program. After the  
6 order for EAJA fees, expenses and costs is entered, the government will determine whether they  
7 are subject to any offset.

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

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

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

19  
20 Dated: May 21, 2012

/s/

HARVEY P. SACKETT

Attorney for Plaintiff

ROBERT J. HARRIS

MELINDA L. HAAG

United States Attorney

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Dated: May 21, 2012

/s/  
ELIZABETH BARRY  
Special Assistant for U.S. Attorney  
Attorneys for Defendant  
(as authorized via e-mail)

IT IS SO ORDERED.

Dated: May 24, 2012

  
LUCY H. KOH  
United States District Judge