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7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 BRENDA MEZA, ) Case No. 5:18-cv-02708-BLF  
 13 Petitioner, )  
 14 v. ) **STIPULATION OF SETTLEMENT OF EAJA**  
 15 ERIK BONNAR, et al., ) **MOTION; [~~PROPOSED~~] ORDER**  
 16 Respondents. )

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 18 IT IS HEREBY STIPULATED by and between the undersigned Petitioner and Respondents, by  
 19 and through their respective attorneys, as follows:

20 1. The parties wish to settle and resolve Petitioner’s request for attorneys’ fees and costs  
 21 pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, in the above-captioned matter  
 22 by entering into this Stipulation and thereby avoiding any additional time, expense, and risk of litigation  
 23 as to the propriety and amount of any award of attorneys’ fees and costs under EAJA. The parties  
 24 acknowledge that this Stipulation (i) disposes of any and all claims and issues that Petitioner may raise  
 25 against Respondents under EAJA, (ii) fully binds the parties and their successors, and (iii) settles and  
 26 resolves all of Petitioner’s claims for attorneys’ fees and costs.

27 2. Respondents shall pay \$37,500 (thirty-seven thousand five-hundred dollars and zero  
 28 cents) to Petitioner, through counsel, in full and complete satisfaction of Petitioner’s claims for

1 attorneys' fees, costs, and litigation expenses under the EAJA in the above-captioned matter. This  
2 payment shall constitute full and final satisfaction of any and all of Petitioner's claims for attorneys'  
3 fees, costs, and litigation expenses in the above-captioned matter, and is inclusive of any interest.  
4 Payment of this money will be made by electronic funds transfer to Petitioner's counsel promptly after  
5 execution of this Stipulation and after receipt of necessary information from Petitioner in order to  
6 effectuate the payment. Respondents will make all reasonable efforts to make payment within sixty (60)  
7 days of the date that Petitioner's counsel provides the necessary information for the electronic funds  
8 transfer and this Stipulation is executed, whichever is later, but cannot guarantee payment within that  
9 time frame.

10 3. Upon the execution of this Stipulation, Petitioner hereby releases and forever discharges  
11 Respondents, its successors, the United States of America, and any department, agency, or establishment  
12 of the United States, and any officers, employees, agents, successors, or assigns of such department,  
13 agency, or establishment, from any and all claims and issues that Petitioner asserts or could have  
14 asserted in this litigation, or which hereafter could be asserted by reason of, or with respect to, or in  
15 connection with, or which arise out of, all past, present, or future claims for attorneys' fees, costs, or  
16 litigation expenses in connection with the above-captioned litigation.

17 4. In consideration of the payment of the settlement amount and the other terms of this  
18 Stipulation, Petitioner shall immediately upon execution of this Stipulation also execute a Stipulation of  
19 Dismissal, a copy of which is attached hereto as Exhibit A. The Stipulation of Dismissal shall dismiss,  
20 with prejudice, all claims asserted in this action, or that could have been asserted in this action. The  
21 fully executed Stipulation of Dismissal will be held by Respondents' attorney and will be filed with the  
22 Court within five (5) business days of receipt by Petitioner's attorney of the settlement amount.

23 5. The parties acknowledge that this Stipulation is entered into solely for the purpose of  
24 settling and compromising any remaining claims in this action without further litigation, and it shall not  
25 be construed as evidence or as an admission on the part of Respondents, the United States, its agents,  
26 servants, or employees regarding any issue of law or fact, or regarding the truth or validity of any  
27 allegation or claim raised in this action, or as evidence or as an admission by the Respondents regarding  
28 Petitioner's entitlement to or eligibility for attorneys' fees, costs, or other litigation expenses under

1 EAJA. This Stipulation shall not be used in any manner to establish liability for fees or costs in any  
2 other case or proceeding involving Respondents.

3 6. Nothing in this Stipulation waives or modifies federal, state, or local law pertaining to  
4 taxes, offsets, levies, and liens that may apply to this Stipulation or the settlement proceeds, and  
5 Petitioner is executing this Stipulation without reliance on any representation by Respondents as to the  
6 application of any such law.

7 7. This Stipulation is binding upon and inures to the benefit of the parties hereto and their  
8 respective successors and assigns.

9 8. If any provision of this Stipulation shall be held invalid, illegal, or unenforceable, the  
10 validity, legality, and enforceability of the remaining provisions shall not in any way be affected or  
11 impaired thereby.

12 9. This Stipulation shall constitute the entire agreement between the parties, and it is  
13 expressly understood and agreed that this Stipulation has been freely and voluntarily entered into by the  
14 parties hereto. The parties further acknowledge that no warranties or representations have been made on  
15 any subject other than as set forth in this Stipulation.

16 10. The persons signing this Stipulation warrant and represent that they possess full authority  
17 to bind the persons on whose behalf they are signing to the terms of the Stipulation.

18 11. This Stipulation may not be altered, modified or otherwise changed in any respect except  
19 in writing, duly executed by all of the parties or their authorized representatives.

20 12. It is contemplated that this Stipulation may be executed in several counterparts, with a  
21 separate signature page for each party. All such counterparts and signature pages, together, shall be  
22 deemed to be one document.

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24 IT IS SO STIPULATED.  
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1 DATED: 02/09/2024

  
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JOHNNY SINODIS  
MARC VAN DER HOUT  
Attorneys for Petitioner

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ISMAIL J. RAMSEY  
United States Attorney

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DATED: 2/8/2024

By:   
\_\_\_\_\_  
SAPNA MEHTA  
Assistant United States Attorney  
Attorney for Respondents

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IT IS SO ORDERED.

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DATED: February 9, 2024

  
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THE HON. BETH LABSON FREEMAN  
United States District Judge

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**EXHIBIT A**

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8 Attorneys for Respondents

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

12 BRENDA MEZA, ) Case No. 5:18-cv-02708-BLF  
13 Petitioner, ) **STIPULATION OF DISMISSAL**  
14 v. )  
15 ERIK BONNAR, et al., )  
16 Respondents. )

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18 The agreed upon payment of \$37,500 having been paid to Petitioner, through counsel, Petitioner  
19 and Respondents, by and through their respective undersigned counsel, hereby stipulate to the dismissal  
20 of this action in its entirety with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil  
21 Procedure and the Stipulation of Settlement entered into by the parties to this action.

22 DATED:

Respectfully submitted,

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24 ISMAIL J. RAMSEY  
United States Attorney

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SAPNA MEHTA  
Assistant United States Attorney

27 Attorneys for Respondents  
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DATED: VAN DER HOUT LLP

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JOHNNY SINODIS  
MARC VAN DER HOUT  
Attorneys for Petitioner

**ATTESTATION**

In compliance with Civil L.R. 5-1(i)(3), I attest that I have obtained concurrence in the filing of this document from each of the other signatories.

Dated: By: \_\_\_\_\_  
SAPNA MEHTA  
Assistant United States Attorney