

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Wiley Y. Daniel

Civil Action No. 09-cv-01164-WYD

LANCE M. COLETTI,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

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**ORDER**

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THIS MATTER is before the Court on the Joint Stipulation for EAJA Fees and Expenses filed November 23, 2010. The Stipulation asserts that the parties have agreed to a settlement in regard to Plaintiff's Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 filed October 20, 2010. Plaintiff's Motion, which sought an award of fees and costs in the amount of \$6,498.87 was contested by Defendant in the response brief filed November 3, 2010. In the Stipulation, the parties have agreed to a settlement wherein Defendant shall pay Plaintiff a total of \$4,800.00 in EAJA fees and expenses.

The Court, having reviewed the Stipulation and file and being fully advised in the premises,

ORDERS that the parties' Joint Stipulation for EAJA Fees and Expenses (ECF No. 24) is **APPROVED**. In accordance therewith, it is

ORDERED that Defendant will pay Plaintiff a total of \$4,800.00 in EAJA fees and expenses. This amount is payable to Plaintiff, not directly to his counsel. Payment will be made to Plaintiff's attorney at his office at 402 W. 12th Street, Pueblo, CO 81003. Defendant's payment of this amount bars any and all claims Plaintiff may have relating to EAJA fees and expenses in connection with this action. Defendant's payment is, however, without prejudice to Plaintiff's right to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. This Order will not be used as precedent in any future cases. Finally, in light of the Stipulation, it is

ORDERED that Plaintiff's Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 filed October 20, 2010 (ECF No. 22) is

**DENIED AS MOOT.**

Dated November 29, 2010

BY THE COURT:

s/ Wiley Y. Daniel \_\_\_\_\_  
Wiley Y. Daniel  
Chief United States District Judge