

UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO  
Judge Robert E. Blackburn

Civil Action No. 09-cv-02079-REB

JAN E. MASSE, formerly known as  
Jan E. Sallinger,

Plaintiff,

v.

MICHAEL ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

---

ORDER

---

**Blackburn, J.**

The matter before me is the **Stipulated Motion For Award of Attorney Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d) [#19]** filed October 15, 2010. After reviewing the motion and the file, I conclude that the motion should be granted and that Defendant should pay to Plaintiff reasonable attorney fees.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Stipulated Motion For Award of Attorney Fees Pursuant To The Equal Access To Justice Act 28 U.S.C. § 2412(d) [#19]** filed October 15, 2010, **GRANTED**;

2. That the Defendant **SHALL PAY** to Plaintiff reasonable attorney fees in the amount of \$3,500.00;

3. That payment **SHALL BE MADE PAYABLE** to Plaintiff and delivered to Plaintiff's counsel (*See Astrue v. Ratliff*, 130 S.Ct. 2521 (2010) (holding that EAJA awards are payable to litigants and that EAJA awards are subject to offset by the Treasury Department to satisfy any debts litigants may owe to the Government));

4. That Defendant will consider the propriety of directing payment to the attorney pursuant to an assignment, but will do so only after the award has been issued to Plaintiff and the amount of any federal debt owed by Plaintiff is properly offset; and

5. That within ten (10) days after the EAJA award is issued, Plaintiff's Council will contact agency counsel to determine whether Plaintiff owes a federal debt subject to offset by the Treasury Department.

Dated October 27 2010, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge