

1 Laura Krank  
2 Attorney at Law: 220208  
3 Law Offices of Rohlfing & Kalagian, LLP  
4 211 East Ocean Boulevard, Suite 420  
5 Long Beach, CA 90802  
6 Tel.: (562)437-7006  
7 Fax: (562)432-2935  
8 E-mail: rk\_sslaw@speakeasy.net

9 Attorneys for Plaintiff  
10 David M. Lawrence

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12  
13 **UNITED STATES DISTRICT COURT**  
14  
15 **EASTERN DISTRICT OF CALIFORNIA**  
16

17 DAVID M. LAWRENCE, ) Case No.: 1:09-CV-1008 GSA  
18 )  
19 Plaintiff, ) **AMENDED STIPULATION FOR**  
20 ) **THE AWARD AND PAYMENT OF**  
21 ) **ATTORNEY FEES AND EXPENSES**  
22 ) **PURSUANT TO THE EQUAL**  
23 vs. ) **ACCESS TO JUSTICE ACT, 28 U.S.C.**  
24 MICHAEL J. ASTRUE, ) **§ 2412(d)**  
25 Commissioner of Social Security, )  
26 Defendant. )

17 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF  
18 THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED by and between the parties through their  
20 undersigned counsel, subject to the approval of the Court, that David M. Lawrence  
21 be awarded attorney fees and expenses in the amount of FOUR THOUSAND ONE  
22 HUNDRED THIRTY dollars (\$4,130.00) under the Equal Access to Justice Act  
23 (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal  
24 services rendered on behalf of Plaintiff by counsel in connection with this civil  
25 action, in accordance with 28 U.S.C. §§ 1920; 2412(d).  
26

1           After the Court issues an order for EAJA fees to David M. Lawrence, the  
2 government will consider the matter of David M. Lawrence's assignment of EAJA  
3 fees to Laura Krank. Pursuant to *Astrue v. Ratliff*, \_\_\_ U.S. \_\_\_, 2010 WL  
4 2346547 (June 14, 2010), the ability to honor the assignment will depend on  
5 whether the fees are subject to any offset allowed under the United States  
6 Department of the Treasury's Offset Program. After the order for EAJA fees is  
7 entered, the government will determine whether they are subject to any offset.

8           Fees shall be made payable to David M. Lawrence, but if the Department of  
9 the Treasury determines that David M. Lawrence does not owe a federal debt, then  
10 the government shall cause the payment of fees, expenses and costs to be made  
11 directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the assignment  
12 executed by David M. Lawrence. Any payments made shall be delivered to Laura  
13 Krank.

14           This stipulation constitutes a compromise settlement of David M.  
15 Lawrence's request for EAJA attorney fees, and does not constitute an admission of  
16 liability on the part of Defendant under the EAJA. Payment of the agreed amount  
17 shall constitute a complete release from, and bar to, any and all claims that David  
18 M. Lawrence and/or Laura Krank including Law Offices of Rohlfing & Kalagian,  
19 LLP may have relating to EAJA attorney fees in connection with this action.

20           Laura Krank reserves the right to contend that any non-payment caused by  
21 the collection of a federal debt owed by David M. Lawrence violates 31 C.F.R. §  
22 285.5(e)(5) and *Morrison v. C.I.R.*, 565 F.3d 658, 667 (9th Cir. 2009). Nothing in  
23 this stipulation shall be construed as an admission by Laura Krank that the  
24 Government has the right or authority to offset the fees due and payable pursuant  
25 to this stipulation.

26

1 This award is without prejudice to the rights of Laura Krank and/or Rohlfing  
2 & Kalagian, LLP to seek Social Security Act attorney fees under 42 U.S.C. §  
3 406(b), subject to the savings clause provisions of the EAJA.

4 DATE: November 30, 2010 Respectfully submitted,

5 ROHLFING & KALAGIAN, LLP

6 /s/ *Laura Krank*

7 BY: \_\_\_\_\_  
8 Laura Krank  
9 Attorney for plaintiff David M. Lawrence

10 DATED: November 30, 2010

11 BENJAMIN WAGNER  
12 United States Attorney  
13 LEON W. WEIDMAN  
14 Chief, Civil Division

15 /s/ *Shea L. Bond*

16 \_\_\_\_\_  
17 Shea L. Bond  
18 Special Assistant United States Attorney  
19 Attorneys for Defendant Michael J. Astrue,  
20 Commissioner of Social Security  
21 (Per e-mail authorization)

22 **ORDER**

23 The instant stipulation shall supersede the previous stipulations executed by  
24 this Court regarding an award of EAJA fees. (*See* Docs. 20 & 22.) As represented  
25 by the parties, the previous stipulations contained a clerical error. That error has  
26 been corrected by the foregoing stipulation.

IT IS SO ORDERED.

Dated: May 12, 2011

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE