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5 Attorneys for Plaintiff
6 Wendy A. Aminazadeh

7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 WENDY A. AMINAZADEH,) Case No.: 1:10-cv-01068 GSA
11)
Plaintiff,)
12)
vs.)
13)
MICHAEL J. ASTRUE,)
14 Commissioner of Social Security,) § 2412(d)
15)
Defendant.)
16)

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 Wendy A.
21 Aminazadeh be awarded attorney fees and expenses in the amount of THREE
22 THOUSAND SEVEN HUNDRED dollars (\$3,700.00) under the Equal Access to
23 Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation
24 for all legal services rendered on behalf of Plaintiff by counsel in connection with
25 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).
26

1 After the Court issues an order for EAJA fees to Wendy A. Aminazadeh,
2 the government will consider the matter of Wendy A. Aminazadeh's assignment of
3 EAJA fees to Laura E. Krank. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-
4 2253 (2010), the ability to honor the assignment will depend on whether the fees
5 are subject to any offset allowed under the United States Department of the
6 Treasury's Offset Program. After the order for EAJA fees is entered, the
7 government will determine whether they are subject to any offset.

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

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

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

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

4 DATE: September 20, 2011 Respectfully submitted,

5 ROHLFING & KALAGIAN, LLP

6 */s/ Laura E. Krank*

7 BY: _____
8 Laura E. Krank
9 Attorney for plaintiff Wendy A. Aminazadeh

10 DATED: October 17, 2011

11 BENJAMIN B. WAGNER
12 United States Attorney

13 */s/ Daniel P. Talbert*

14 _____
15 Daniel P. Talbert
16 Special Assistant United States Attorney
17 Attorneys for Defendant Michael J. Astrue,
18 Commissioner of Social Security
19 (Per e-mail authorization)

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ORDER

As per the stipulation of the parties, Plaintiff’s counsel, Laura Krank, shall be awarded **THREE THOUSAND SEVEN HUNDRED** dollars (\$3,700.00) in attorney fees under 28 U.S.C. § 2412(d) pursuant to the conditions set forth above.

IT IS SO ORDERED.

Dated: **October 19, 2011**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE