

1 Lawrence D. Rohlfig
Attorney at Law: 119433
2 Law Offices of Lawrence D. Rohlfig
12631 East Imperial Highway, Suite C-115
3 Santa Fe Springs, CA 90670
Tel.: (562)868-5886
4 Fax: (562)868-5491
E-mail: rohlfig.office@rohlfiglaw.com

5 Attorneys for Plaintiff
6 Anna Marie Phillips

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8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
9 **FRESNO DIVISION**

10 ANNA MARIE PHILLIPS,

11
12 Plaintiff,

13 vs.

14 CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

15
16 Defendant

) Case No.: 1:11-cv-01928-EPG

)
) STIPULATION TO HOLD THE
) PETITION FOR FEES AND
) EXPENSES UNDER THE EQUAL
) ACCESS TO JUSTICE ACT IN
) ABEYANCE; ORDER

) (ECF No. 32)

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18 TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE
19 OF THE DISTRICT COURT:

20 Whereas Anna Marie Phillips has a motion for fees and expenses under the
21 EAJA pending before the Ninth Circuit and this Court on identical issue of
22 substantial justification with different facts as to the relief sought, the parties

23 ///

1 hereby stipulate that the Court hold the petition before the District Court in
2 abeyance until the Ninth Circuit rules on the matter before it.

3 IT IS SO STIPULATED.

4 DATE: December 22, 2015 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLFING

6 */s/ Lawrence D. Rohlfing*

7 BY: _____

8 Lawrence D. Rohlfing
9 Attorney for plaintiff ANNA MARIE PHILLIPS

10 Date:

11 BENJAMIN B. WAGNER
12 United States Attorney

13 BY: */s/ Lynn M. Harada*

14 Lynn M. Harada
15 Special Assistant United States Attorney
16 Attorneys for Defendant CAROLYN W. COLVIN
17 Acting Commissioner of Social Security
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ORDER

Based on the above stipulation, Plaintiff's Motion for Fees and Expenses (ECF No. 32) is stayed pending the disposition of Plaintiff's motion for fees and expenses currently pending before the Ninth Circuit Court of Appeals. The parties are instructed to meet and confer following the Ninth Circuit's decision to determine whether that decision resolves the Motion for Fees and Expenses (ECF No. 32) and shall file a status report advising this Court of the results of their meet and confer efforts. The telephonic status conference currently set for January 12, 2016 at 10:00 a.m. is VACATED.

IT IS SO ORDERED.

Dated: December 28, 2015

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE