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10 Lisa Kay Lujan

11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF CALIFORNIA**

13 LISA KAY LUJAN,	)	Case No.: 1:13-cv-02041-GSA
	)	
14 Plaintiff,	)	STIPULATION AND ORDER FOR
	)	THE AWARD AND PAYMENT OF
15 vs.	)	ATTORNEY FEES AND EXPENSES
	)	PURSUANT TO THE EQUAL
16 CAROLYN W. COLVIN, Acting	)	ACCESS TO JUSTICE ACT, 28 U.S.C.
Commissioner of Social Security,	)	§ 2412(d) AND COSTS PURSUANT
	)	TO 28 U.S.C. § 1920
17 Defendant.	)	
	)	

19  
20 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF  
21 THE UNITED STATES DISTRICT COURT:

22 IT IS HEREBY STIPULATED by and between the parties through their  
23 undersigned counsel, subject to the approval of the Court, that Lisa Kay Lujan be  
24 awarded attorney fees and expenses in the amount of one thousand six hundred  
25 dollars (\$1,600.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §  
26 2412(d). This amount represents compensation for all legal services rendered on

1 behalf of Plaintiff by counsel in connection with this civil action, in accordance  
2 with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Lisa Kay Lujan, the  
4 government will consider the matter of Lisa Kay Lujan's assignment of EAJA fees  
5 to Young Cho. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the  
6 ability to honor the assignment will depend on whether the fees are subject to any  
7 offset allowed under the United States Department of the Treasury's Offset  
8 Program. After the order for EAJA fees is entered, the government will determine  
9 whether they are subject to any offset.

10 Fees shall be made payable to Lisa Kay Lujan, but if the Department of the  
11 Treasury determines that Lisa Kay Lujan does not owe a federal debt, then the  
12 government shall cause the payment of fees, expenses and costs to be made  
13 directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment  
14 executed by Lisa Kay Lujan. *United States v. \$186,416.00*, 722 F.3d 1173, 1176  
15 (9th Cir. 2013) (*\$186,416.00 II*) (ordering fees paid to counsel because of an  
16 assignment that did not interfere with a raised superior lien).<sup>1</sup> Any payments made  
17 shall be delivered to Young Cho.

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18 <sup>1</sup> The Commissioner does not stipulate to the citation of *\$186,416.00 II*, and will  
19 not participate in representing to this Court that it carries legal import in these  
20 proceedings. *\$186,416 II* involved a different statute and very different factual  
21 circumstances than those presented here, or in other Social Security cases.  
22 Because the parties have agreed to the payment of EAJA fees, and the amount, and  
23 to avoid motion practice solely related to Plaintiff's citation, the Commissioner  
24 agrees to this stipulation. The Commissioner reserves the right to challenge the  
25 applicability of *\$186,416 II* to any Social Security case, and this Stipulation should  
26 not be construed as a waiver of such reservation.

Lisa Lujan contends that *U.S. v. \$186,416.00 in U.S. Currency*, 642 F.3d 753, 757  
(9th Cir. 2011) (*\$186,416.00 I*) held that there is no functional difference between  
the CAFRA and EAJA in terms of "ownership" of the fee.

1 This stipulation constitutes a compromise settlement of Lisa Kay Lujan's  
2 request for EAJA attorney fees, and does not constitute an admission of liability on  
3 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount  
4 shall constitute a complete release from, and bar to, any and all claims that Lisa  
5 Kay Lujan and/or Young Cho including Law Offices of Lawrence D. Rohlring  
6 may have relating to EAJA attorney fees in connection with this action.

7 This award is without prejudice to the rights of Young Cho and/or the Law  
8 Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under  
9 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

10 DATE: February 9, 2015 Respectfully submitted,

11 LAW OFFICES OF LAWRENCE D. ROHLRING

12 */s/ Young Cho*

13 BY: \_\_\_\_\_  
14 Young Cho  
15 Attorney for plaintiff Lisa Kay Lujan

16 DATE: February 9, 2015

17 BENJAMIN B. WAGNER  
18 Acting United States Attorney

19 */s/ Tova D. Wolking*

20 \_\_\_\_\_  
21 Tova D. Wolking  
22 Special Assistant United States Attorney  
23 Attorneys for Defendant Carolyn W. Colvin,  
24 Acting Commissioner of Social Security  
25 (Per e-mail authorization)  
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**ORDER**

Pursuant to the above stipulation between the parties, the Plaintiff shall be awarded attorney fees and expenses in the amount of one thousand six hundred dollars (\$1,600.00) under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

This award is subject to the terms of the above-referenced stipulation and payments shall be made pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), as outlined above.

IT IS SO ORDERED.

Dated: February 11, 2015

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE