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

PAUL MENDOZA,	)	Case No.: 1:15-cv-00777-GSA
	)	
Plaintiff,	)	STIPULATION AND ORDER FOR
	)	THE AWARD AND PAYMENT OF
vs.	)	ATTORNEY FEES AND EXPENSES
NANCY A. BERRYHILL, <sup>1</sup> Acting	)	PURSUANT TO THE EQUAL
Commissioner of Social Security,	)	ACCESS TO JUSTICE ACT, 28 U.S.C.
	)	§ 2412(d) AND COSTS PURSUANT
Defendant.	)	TO 28 U.S.C. § 1920
	)	
	)	

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

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Paul Mendoza be awarded attorney fees in the amount of four thousand seven hundred dollars (\$4,700.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of

<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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

3 After the Court issues an order for EAJA fees to Paul Mendoza, the  
4 government will consider the matter of Paul Mendoza's assignment of EAJA fees  
5 to Young Cho. The retainer agreement containing the assignment is attached as  
6 exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to  
7 honor the assignment will depend on whether the fees are subject to any offset  
8 allowed under the United States Department of the Treasury's Offset  
9 Program. After the order for EAJA fees is entered, the government will determine  
10 whether they are subject to any offset.

11 Fees shall be made payable to Paul Mendoza, but if the Department of the  
12 Treasury determines that Paul Mendoza does not owe a federal debt, then the  
13 government shall cause the payment of fees, expenses and costs to be made  
14 directly to Law Offices of Lawrence D. Rohlring, pursuant to the assignment  
15 executed by Paul Mendoza.<sup>2</sup> Any payments made shall be delivered to Young  
16 Cho.

17 This stipulation constitutes a compromise settlement of Paul Mendoza's  
18 request for EAJA attorney fees, and does not constitute an admission of liability on  
19 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount  
20 shall constitute a complete release from, and bar to, any and all claims that Paul  
21 Mendoza and/or Young Cho including Law Offices of Lawrence D. Rohlring may  
22 have relating to EAJA attorney fees in connection with this action.

23  
24 \_\_\_\_\_  
25 <sup>2</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
26 under federal law against the recovery of EAJA fees that survives the Treasury  
Offset Program.

1 This award is without prejudice to the rights of Young Cho and/or the Law  
2 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under  
3 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

4 DATE: January 30, 2017 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLFING

6 */s/ Young Cho*

7 BY: \_\_\_\_\_  
8 Young Cho  
9 Attorney for plaintiff Paul Mendoza

10 DATE: January 30, 2017

11 PHILLIP A. TALBERT  
12 Acting United States Attorney

13 */s/ Donna W. Anderson*

14 \_\_\_\_\_  
15 DONNA W. ANDERSON  
16 Special Assistant United States Attorney  
17 Attorneys for Defendant Carolyn W. Colvin,  
18 Acting Commissioner of Social Security  
19 (Per e-mail authorization)

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**ORDER**

Pursuant to the parties' Stipulation filed on January 31, 2017 (Doc. 23), Equal Access to Justice Act fees ("EAJA") and expenses in the amount of four thousand seven hundred dollars (\$4,700.00) as authorized by 28 U.S.C. §§ 2412, and 1920, shall be awarded to Plaintiff's counsel. Any monies paid shall be made pursuant to *Astrue v. Ratliff*, 130 S. Ct. 1521, 2529 (2010), and in accordance to the terms of the stipulation.

IT IS SO ORDERED.

Dated: **February 1, 2017**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE