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5 Attorneys for Plaintiff
6 Jesse Guerra

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

12
13 JESSE GUERRA,) Case No.: 1:15-cv-01408-SKO
14)
Plaintiff,) STIPULATION AND ORDER FOR
15 vs.) THE AWARD AND PAYMENT OF
CAROLYN W. COLVIN, Acting) ATTORNEY FEES AND EXPENSES
16 Commissioner of Social Security,) PURSUANT TO THE EQUAL
17 Defendant.) ACCESS TO JUSTICE ACT, 28 U.S.C.
18) § 2412(d) AND COSTS PURSUANT
19) TO 28 U.S.C. § 1920
20)
_____)

21 TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE
22 OF THE DISTRICT COURT:

23 IT IS HEREBY STIPULATED, by and between the parties through their
24 undersigned counsel, subject to the approval of the Court, that Jesse Guerra be
25 awarded attorney fees in the amount of six thousand dollars (\$6,000.00) under the
26

1 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents
2 compensation for all legal services rendered on behalf of Plaintiff by counsel in
3 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

4 After the Court issues an order for EAJA fees to Jesse Guerra, the
5 government will consider the matter of Jesse Guerra's assignment of EAJA fees to
6 Young Cho. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability
7 to 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 Program.

9 After the order for EAJA fees is entered, the government will determine whether
10 they are subject to any offset.

11 Fees shall be made payable to Jesse Guerra, but if the Department of the
12 Treasury determines that Jesse Guerra 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 Jesse Guerra.¹ Any payments made shall be delivered to Young Cho.

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

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23 ///

25 ¹ 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: November 21, 2016 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLFING

6 */s/ Young Cho*

7 BY: _____
8 Young Cho
Attorney for plaintiff Jesse Guerra

9 DATE: November 21, 2016 PHILLIP A. TALBERT
10 Acting United States Attorney

11 */s/ Lynn M. Harada*

12 _____
13 LYNN M. HARADA
14 Special Assistant United States Attorney
15 Attorneys for Defendant Carolyn W. Colvin,
Acting Commissioner of Social Security
(Per e-mail authorization)

16 **ORDER**

17
18 Based upon the above “Stipulation for the Award and Payment of Attorney
19 Fees and Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. §
20 2412(d) and Costs Pursuant to 28 U.S.C. § 1920” (Doc. 22), IT IS ORDERED that
21 fees and expenses in the amount of six thousand dollars (\$6,000.00) under EAJA,
22 28 U.S.C. § 2412(d), be awarded subject to the terms of the above Stipulation.

23
24 IT IS SO ORDERED.

25 Dated: November 22, 2016

26 */s/ Sheila K. Oberto*

UNITED STATES MAGISTRATE JUDGE