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10 Attorneys for Plaintiff  
11 Diana Christine Ballestero

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

14 DIANA CHRISTINE BALLESTERO, ) Case No.: 1:15-cv-01798-SKO  
15 )  
16 Plaintiff, )  
17 ) STIPULATION AND ORDER FOR  
18 ) THE AWARD AND PAYMENT OF  
19 ) ATTORNEY FEES AND EXPENSES  
20 ) PURSUANT TO THE EQUAL  
21 ) ACCESS TO JUSTICE ACT, 28 U.S.C.  
22 ) § 2412(d) AND COSTS PURSUANT  
23 ) TO 28 U.S.C. § 1920  
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1 TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE OF  
2 THE DISTRICT COURT:

3 IT IS HEREBY STIPULATED, by and between the parties through their  
4 undersigned counsel, subject to the approval of the Court, that Diana Christine  
5 Ballestero be awarded attorney fees in the amount of three thousand four hundred  
6 dollars (\$3,400.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §  
7 2412(d), and costs in the amount of four hundred dollars (\$400.00) under 28 U.S.C.  
8 § 1920. This amount represents compensation for all legal services rendered on

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

3         After the Court issues an order for EAJA fees to Diana Christine Ballestero,  
4 the government will consider the matter of Diana Christine Ballestero's assignment  
5 of EAJA fees to Cyrus Safa. The retainer agreement containing the assignment is  
6 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the  
7 ability to honor the assignment will depend on whether the fees are subject to any  
8 offset 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

12         Fees shall be made payable to Diana Christine Ballestero, but if the  
13 Department of the Treasury determines that Diana Christine Ballestero does not owe  
14 a federal debt, then the government shall cause the payment of fees, expenses and  
15 costs to be made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the  
16 assignment executed by Diana Christine Ballestero.<sup>1</sup> Any payments made shall be  
17 delivered to Cyrus Safa.

18         This stipulation constitutes a compromise settlement of Diana Christine  
19 Ballestero's request for EAJA attorney fees, and does not constitute an admission of  
20 liability on the part of Defendant under the EAJA or otherwise. Payment of the  
21 agreed amount shall constitute a complete release from, and bar to, any and all  
22 claims that Diana Christine Ballestero and/or Cyrus Safa including Law Offices of  
23 Lawrence D. Rohlfing may have relating to EAJA attorney fees in connection with  
24 this action.  
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28 <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien under federal law against the recovery of EAJA fees that survives the Treasury Offset Program.

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

DATE: May 19, 2017

Respectfully submitted,  
LAW OFFICES OF LAWRENCE D. ROHLRING

*/s/ Cyrus Safa*  
BY: \_\_\_\_\_  
Cyrus Safa  
Attorney for plaintiff Diana Christine Ballestero

DATE: May 19, 2017

PHILLIP A. TALBERT  
United States Attorney

*/s/ Jennifer A. Kenney*  
\_\_\_\_\_  
JENNIFER A. KENNEY  
Special Assistant United States Attorney  
Attorneys for Defendant NANCY A. BERRYHILL,  
Acting Commissioner of Social Security (Per e-mail  
authorization)

**ORDER**

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Based upon the above Stipulation for the Award and Payment of Attorney Fees and Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), (Doc. 21), IT IS ORDERED that fees in the amount of three thousand four hundred dollars (\$3,400) under EAJA, 28 U.S.C. § 2412(d), and costs in the amount of four hundred dollars (\$400) under 28 U.S.C. § 1920 be awarded subject to the terms of the above Stipulation.

IT IS SO ORDERED.

Dated: May 22, 2017

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE