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Attorneys for Plaintiff
Darlene Denise Rodgers

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE
JUDGE OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Darlene Denise Rodgers be awarded attorney fees in the amount of three thousand four hundred dollars and eight cents (\$3,400.08) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

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

9 Fees shall be made payable to Darlene Denise Rodgers, but if the
10 Department of the Treasury determines that Darlene Denise Rodgers does not owe
11 a federal debt, then the government shall cause the payment of fees, expenses and
12 costs to be made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the
13 assignment executed by Darlene Denise Rodgers.¹ Any payments made shall be
14 delivered to Cyrus Safa.

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

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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.

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

DATE: November 17, 2017 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ *Cyrus Safa*

BY:

Cyrus Safa
Attorney for plaintiff Darlene Denise Rodgers

DATE: November 17, 2017

PHILLIP A. TALBERT
United States Attorney

/s/ *Sundeep Patel*

SUNDEEP PATEL
Special Assistant United States Attorney
Attorneys for Defendant NANCY A.
BERRYHILL, Acting Commissioner of Social
Security (Per e-mail authorization)

ORDER

Based upon the parties' Stipulation for the Award and Payment of Attorney Fees and Expenses Pursuant to the Equal Access to Justice Act and Costs filed on November 20, 2017 ("Stipulation"), IT IS HEREBY ORDERED that fees in the amount of three thousand four hundred dollars and eight cents (\$3,400.08) as authorized by 28 U.S.C. § 2412(d) be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **November 20, 2017**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE

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