

Cyrus Safa
Attorney at Law: 282971
Law Offices of Lawrence D. Rohlfinding
12631 East Imperial Highway, Suite C-115
Santa Fe Springs, CA 90670
Tel.: (562) 868-5886
Fax: (562) 868-8868
E-mail: rohlfinding.office@rohlfindinglaw.com

Attorneys for Plaintiff
Darlene Denise Rodgers

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

DARLENE DENISE RODGERS,)	Case No.: 1:16-cv-00544-BAM
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
vs.)	ATTORNEY FEES AND EXPENSES
)	PURSUANT TO THE EQUAL
NANCY A. BERRYHILL, Acting)	ACCESS TO JUSTICE ACT, 28 U.S.C.
Commissioner of Social Security,)	§ 2412(d) AND COSTS PURSUANT
)	TO 28 U.S.C. § 1920
Defendant.)	
)	

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.

1 This award is without prejudice to the rights of Cyrus Safa 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 17, 2017 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ *Cyrus Safa*

6 BY: _____
7 Cyrus Safa
8 Attorney for plaintiff Darlene Denise Rodgers

9 DATE: November 17, 2017 PHILLIP A. TALBERT
10 United States Attorney

11 /s/ *Sundeep Patel*

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

16 ORDER

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

24 Dated: November 20, 2017

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