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5 Attorneys for Plaintiff  
 Beatriz Veronica Winterton  
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 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 BEATRIZ VERONICA WINTERTON, ) 11 ) 12 Plaintiff, ) vs. ) 13 NANCY A. BERRYHILL, Acting ) Commissioner of Social Security, ) 14 ) 15 Defendant. ) 16 )	Case No.: 1:16-cv-00555-GSA  STIPULATION AND ORDER FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d)
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 18 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF  
 19 THE DISTRICT COURT:

20 IT IS HEREBY STIPULATED, by and between the parties through their  
 21 undersigned counsel, subject to the approval of the Court, that Beatriz Veronica  
 22 Winterton be awarded attorney fees and expenses in the amount of four thousand  
 23 three hundred and twenty five dollars (\$4,325.00) under the Equal Access to  
 24 Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of zero dollars  
 25 (\$0.00) under 28 U.S.C. § 1920. This amount represents compensation for all legal  
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1 services rendered on behalf of Plaintiff by counsel in connection with this civil  
2 action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

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

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

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

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25 <sup>1</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 Monica Perales and/or the  
2 Law Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees  
3 under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

4 DATE: September 19, 2017 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLRING

6 */s/ Monica Perales*

7 BY: \_\_\_\_\_  
8 Monica Perales  
9 Attorney for plaintiff Beatriz Veronica Winterton

10 DATED: PHILLIP A. TALBERT  
11 United States Attorney  
12 DEBORAH LEE STACHEL  
13 Regional Chief Counsel, Region IX  
14 Social Security Administration

15 */s/ Richard Rodriguez*

16 \_\_\_\_\_  
17 RICHARD RODRIGUEZ  
18 Special Assistant United States Attorney  
19 Attorneys for Defendant  
20 NANCY A. BERRYHILL, Acting Commissioner  
21 of Social Security (Per e-mail authorization)

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**ORDER**

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Plaintiff shall be awarded attorney fees and expenses in the amount of four thousand three hundred and twenty five dollars (\$4,325.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Payment shall be made pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2529 (2010), and in accordance with the terms outlined in the above stipulation.

IT IS SO ORDERED.

Dated: September 27, 2017

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE