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5 Attorneys for Plaintiff
 Hayk Muradyan

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

<p>13 HAYK MURADYAN,</p> <p>14</p> <p>15 Plaintiff,</p> <p>16 vs.</p> <p>17 NANCY A. BERRYHILL, Acting Commissioner of Social Security,</p> <p>18 Defendant.</p> <p>19</p> <hr/>	<p>) Case No.: 1:16-cv-00760-GSA</p> <p>)</p> <p>) STIPULATION AND ORDER FOR</p> <p>) THE AWARD AND PAYMENT OF</p> <p>) ATTORNEY FEES AND EXPENSES</p> <p>) PURSUANT TO THE EQUAL</p> <p>) ACCESS TO JUSTICE ACT, 28 U.S.C.</p> <p>) § 2412(d) AND COSTS PURSUANT</p> <p>) TO 28 U.S.C. § 1920</p> <p>)</p> <p>)</p>
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21 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF

22 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 Hayk Muradyan be

25 awarded attorney fees in the amount of five thousand five hundred dollars

26 (\$5,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).

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

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

12 Fees shall be made payable to Hayk Muradyan, but if the Department of the
13 Treasury determines that Hayk Muradyan does not owe a federal debt, then the
14 government shall cause the payment of fees, expenses and costs to be made
15 directly to Law Offices of Lawrence D. Rohlring, pursuant to the assignment
16 executed by Hayk Muradyan.¹ Any payments made shall be delivered to Young
17 Cho.

18 This stipulation constitutes a compromise settlement of Hayk Muradyan's
19 request for EAJA attorney fees, and does not constitute an admission of liability on
20 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
21 shall constitute a complete release from, and bar to, any and all claims that Hayk
22 Muradyan and/or Young Cho including Law Offices of Lawrence D. Rohlring may
23 have relating to EAJA attorney fees in connection with 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 Young Cho and/or the Law
2 Offices of Lawrence D. Rohlifing 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 27, 2017 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLFING

6 */s/ Young Cho*

7 BY: _____

8 Young Cho
Attorney for plaintiff Hayk Muradyan

9 DATE: November 27, 2017 PHILLIP A. TALBERT
10 Acting United States Attorney

11 */s/ Ann L. Maley*

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13 ANN L. MALEY
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 Pursuant to the stipulation of the parties (Doc. 22), Plaintiff shall be
18 awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
19 2412(d), in the amount of FIVE THOUSAND FIVE HUNDRED dollars and
20 ZERO cents (\$5,500.00). Payment shall be made pursuant to *Astrue v. Ratcliff*,
21 130 S. Ct. 2521 (2010) in accordance with the terms of the stipulation outlined
22 above.

23 IT IS SO ORDERED.

24 Dated: November 29, 2017

25 /s/ Gary S. Austin
26 UNITED STATES MAGISTRATE JUDGE