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5 Attorneys for Plaintiff
6 Stacey Lynn Rodriguez

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

10 STACEY LYNN RODRIGUEZ,) Case No.: 1:16-cv-01106-GSA
11)
12 Plaintiff,) STIPULATION AND ORDER FOR
13 vs.) THE AWARD AND PAYMENT OF
14 NANCY A. BERRYHILL, Acting) ATTORNEY FEES AND EXPENSES
Commissioner of Social Security,) PURSUANT TO THE EQUAL
15 Defendant.) ACCESS TO JUSTICE ACT, 28 U.S.C.
) § 2412(d) AND COSTS PURSUANT
) TO 28 U.S.C. § 1920
16)

17
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 Stacey Lynn
22 Rodriguez be awarded attorney fees in the amount of Four Thousand Three
23 Hundred dollars (\$4,300.00) and expenses in the amount of Twenty Five dollars
24 (\$25.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and
25 costs in the amount of Four Hundred dollars (\$400.00) under 28 U.S.C. § 1920.
26 This amount represents compensation for all legal services rendered on behalf of

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

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

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

17 This stipulation constitutes a compromise settlement of Stacey Lynn
18 Rodriguez'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 Stacey Lynn Rodriguez and/or Denise Bourgeois Haley including Law
22 Offices of Lawrence D. Rohlring may have relating to EAJA attorney fees in
23 connection with this action.

24 _____
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 Denise Bourgeois Haley
2 and/or the Law Offices of Lawrence D. Rohlring to seek Social Security Act
3 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
4 the EAJA.

5 DATE: February 26, 2018

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLRING

/s/ Denise Bourgeois Haley

BY:

Denise Bourgeois Haley
Attorney for plaintiff Stacey Lynn Rodriguez

10 DATED: February 26, 2018

McGREGOR W. SCOTT
United States Attorney

/s/ Ben A. Porter

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

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ORDER

Pursuant to the parties' stipulation (Doc. 21), Plaintiff shall be awarded attorney fees in the amount of Four Thousand Three Hundred dollars (\$4,300.00) and expenses in the amount of Twenty Five dollars (\$25.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of Four Hundred dollars (\$400.00) under 28 U.S.C. § 1920. Attorney's fees shall be paid pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), and in accordance with the above stipulation.

IT IS SO ORDERED.

Dated: March 1, 2018

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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