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9 Attorneys for Plaintiff
10 Belen Mary Fajardo

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

13 BELEN MARY FAJARDO,

14)
15) Plaintiff,

16 vs.

17 NANCY A. BERRYHILL, Acting
18 Commissioner of Social Security,

19)
20) Defendant.

) Case No.: 1:16-cv-01784-EPG

) 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) AND COSTS PURSUANT
) TO 28 U.S.C. § 1920

21 TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE
22 OF 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 Belen Mary Fajardo
25 be awarded attorney fees in the amount of six thousand dollars (\$6,000.00) under
26 the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount

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

4 After the Court issues an order for EAJA fees to Belen Mary Fajardo, the
5 government will consider the matter of Belen Mary Fajardo's assignment of EAJA
6 fees to Young Cho. The retainer agreement containing the assignment is attached
7 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability
8 to 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 Belen Mary Fajardo, but if the Department of
13 the Treasury determines that Belen Mary Fajardo does not owe a federal debt, then
14 the government shall cause the payment of fees, expenses and costs to be made
15 directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment
16 executed by Belen Mary Fajardo.¹ Any payments made shall be delivered to
17 Young Cho.

18 This stipulation constitutes a compromise settlement of Belen Mary
19 Fajardo's request for EAJA attorney fees, and does not constitute an admission of
20 liability on the part of Defendant under the EAJA or otherwise. Payment of the
21 agreed amount shall constitute a complete release from, and bar to, any and all
22 claims that Belen Mary Fajardo and/or Young Cho including Law Offices of
23

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 Lawrence D. Rohlring may have relating to EAJA attorney fees in connection with
2 this action.

3 This award is without prejudice to the rights of Young Cho and/or the Law
4 Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under
5 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: January 9, 2018 Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLRING

8 */s/ Young Cho*

9 BY: _____
10 Young Cho
11 Attorney for plaintiff Belen Mary Fajardo

12 DATE: January 9, 2018

13 McGREGOR W. SCOTT
14 United States Attorney

15 */s/ Donna W. Anderson*

16 _____
17 DONNA W. ANDERSON
18 Special Assistant United States Attorney
19 Attorneys for Defendant NANCY A.
20 BERRYHILL, Acting Commissioner of Social
21 Security (Per e-mail authorization)

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ORDER

Pursuant to the parties' Stipulation, IT IS ORDERED that fees and costs in the amount of \$6,000 as authorized by 28 U.S.C. §§ 2412(d) and 1920 be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: January 16, 2018

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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