

1 Young Cho
2 Attorney at Law: 189870
3 Law Offices of Lawrence D. Rohlring
4 12631 East Imperial Highway, Suite C-115
5 Santa Fe Springs, CA 90670
6 Tel.: (562) 868-5886
7 Fax: (562) 868-8868
8 E-mail: rohlring.office@rohlringlaw.com

9 Attorneys for Plaintiff
10 Danny Ray Watkins

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

13 DANNY RAY WATKINS,)	Case No.: 1:17-cv-00042-EPG
)	
14 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
15 vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
16 NANCY A. BERRYHILL, Acting)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,)	ACT, 28 U.S.C. § 2412(d) AND
)	COSTS PURSUANT TO 28 U.S.C. §
17 Defendant.)	1920
)	

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19
20 TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE
21 OF THE DISTRICT COURT:

22 IT IS HEREBY STIPULATED, by and between the parties through their
23 undersigned counsel, subject to the approval of the Court, that Danny Ray Watkins
24 be awarded attorney fees in the amount of three thousand four hundred dollars
25 (\$3,400.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
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 Danny Ray Watkins, the
4 government will consider the matter of Danny Ray Watkins's assignment of EAJA
5 fees to Young Cho. The retainer agreement containing the assignment is attached
6 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability
7 to honor the assignment will depend on whether the fees are subject to any offset
8 allowed under the United States Department of the Treasury's Offset
9 Program. After the order for EAJA fees is entered, the government will determine
10 whether they are subject to any offset.

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

17 This stipulation constitutes a compromise settlement of Danny Ray
18 Watkins's request for EAJA attorney fees, and does not constitute an admission of
19 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 Danny Ray Watkins and/or Young Cho including Law Offices of
22 Lawrence D. Rohlring may have relating to EAJA attorney fees in connection with
23 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 Young Cho and/or the Law
2 Offices of Lawrence D. Rohlring 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: February 14, 2018 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLRING

6 */s/ Young Cho*

7 BY: _____

8 Young Cho
9 Attorney for plaintiff Danny Ray Watkins

10 DATE: February 14, 2018

11 MCGREGOR W. SCOTT
12 United States Attorney

13 */s/ Beatrice Na*

14 _____
15 BEATRICE NA
16 Special Assistant United States Attorney
17 Attorneys for Defendant NANCY A.
18 BERRYHILL, Acting Commissioner of Social
19 Security (Per e-mail authorization)
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ORDER

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Based upon the parties' Stipulation for the Award and Payment of Attorney Fees Pursuant to EAJA, IT IS ORDERED that fees in the amount of **\$3,400.00**, as authorized by 28 U.S.C. §2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **February 14, 2018**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

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