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5 Attorneys for Plaintiff
6 Jaqueline Nichole Farnetti

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

10 JAQUELINE NICHOLE FARNETTI,) Case No.: 1:17-cv-00052-BAM
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.
16) § 2412(d)
)

17 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE
18 JUDGE OF THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED, by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Jaqueline Nichole
21 Farnetti be awarded attorney fees in the amount of THREE THOUSAND ONE
22 HUNDRED FIFTY dollars (\$3,150.00) and expenses under the Equal Access to
23 Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation
24 for all legal services rendered on behalf of Plaintiff by counsel in connection with
25 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).
26

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

9 Fees shall be made payable to Jaqueline Nichole Farnetti, but if the
10 Department of the Treasury determines that Jaqueline Nichole Farnetti does not
11 owe a federal debt, then the government shall cause the payment of fees, expenses
12 and costs to be made directly to Law Offices of Lawrence D. Rohlring, pursuant to
13 the assignment executed by Jaqueline Nichole Farnetti.¹ Any payments made shall
14 be delivered to Brian C. Shapiro.

15 This stipulation constitutes a compromise settlement of Jaqueline Nichole
16 Farnetti's request for EAJA attorney fees, and does not constitute an admission of
17 liability on the part of Defendant under the EAJA or otherwise. Payment of the
18 agreed amount shall constitute a complete release from, and bar to, any and all
19 claims that Jaqueline Nichole Farnetti and/or Brian C. Shapiro including Law
20 Offices of Lawrence D. Rohlring may have relating to EAJA attorney fees in
21 connection with this action.

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23
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25 _____
26 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
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 Brian C. Shapiro 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: August 30, 2018

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLRING

/s/ Brian C. Shapiro

7 BY: _____

Brian C. Shapiro

Attorney for plaintiff Jaqueline Nichole Farnetti

9 DATED: August 30, 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

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses, IT IS ORDERED that fees in the amount of THREE THOUSAND ONE HUNDRED FIFTY dollars (\$3,150.00), as authorized by 28 U.S.C. §2412, be awarded subject to the terms of the Stipulation

IT IS SO ORDERED.

Dated: September 10, 2018

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE