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5 Attorneys for Plaintiff
 6 Gloria Paredes Ruiz

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

10	GLORIA PAREDES RUIZ,)	Case No.: 1:17-cv-00180-BAM
11	Plaintiff,)	
12	vs.)	STIPULATION FOR THE AWARD
13	ANDREW SAUL,)	AND PAYMENT OF ATTORNEY
14	Commissioner of Social Security,)	FEEES AND EXPENSES PURSUANT
15	Defendant.)	TO THE EQUAL ACCESS TO
)	JUSTICE ACT, 28 U.S.C. § 2412(d)
)	AND COSTS PURSUANT TO 28
)	U.S.C. § 1920

16
 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 Gloria Paredes Ruiz
 21 be awarded attorney fees and expenses in the amount of eleven thousand five
 22 hundred dollars (\$11,500.00) under the Equal Access to Justice Act (EAJA), 28
 23 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents
 24 compensation for all legal services rendered on behalf of Plaintiff by counsel in
 25 connection with this civil action, including the appellate court proceedings in Ninth
 26 Circuit Case No. 20-15286, and in accordance with 28 U.S.C. §§ 1920; 2412(d).

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

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

15 This stipulation constitutes a compromise settlement of Gloria Paredes
16 Ruiz'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 Gloria Paredes Ruiz and/or Lawrence D. Rohlfig including Law
20 Offices of Lawrence D. Rohlfig may have relating to EAJA attorney fees in
21 connection with this action and Ninth Circuit action No. 20-15286.

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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 Lawrence D. Rohlifing and/or
2 the Law Offices of Lawrence D. Rohlifing 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: April 6, 2021

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Lawrence D. Rohlifing

7 BY: _____

Lawrence D. Rohlifing
Attorney for plaintiff Gloria Paredes Ruiz

9 DATED: April 8, 2021

PHILLIP TALBERT
Acting United States Attorney

/s/ Shea L. Bond

SHEA L. BOND
Special Assistant United States Attorney
Attorneys for Defendant ANDREW SAUL,
Commissioner of Social Security
(Per e-mail authorization)

16 **ORDER**

17 Based upon the parties' Stipulation for the Award and Payment of Attorney
18 Fees and Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. §
19 2412(d) and Costs Pursuant to 28 U.S.C. § 1920, filed on April 8, 2021 (Doc. No.
20 37.):

21 IT IS HEREBY ORDERED that attorney fees in the amount of ELEVEN
22 THOUSAND AND FIVE HUNDRED DOLLARS (\$11,500.00) be awarded
23 subject to the terms of the stipulation.

24 IT IS SO ORDERED.

25 Dated: April 9, 2021

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of April 8, 2021, I served the foregoing document described as STIPULATION 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 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Gloria Paredes Ruiz
258 W. 700 South #217
Salt Lake City, UT 84101

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Lawrence D. Rohlfing _____
TYPE OR PRINT NAME

/s/ Lawrence D. Rohlfing _____
SIGNATURE

1 **CERTIFICATE OF SERVICE**
2 **FOR CASE NUMBER 1:17-CV-00180-BAM**

3 I hereby certify that I electronically filed the foregoing with the Clerk of the
4 Court for this court by using the CM/ECF system on April 8, 2021.

5 I certify that all participants in the case are registered CM/ECF users and
6 that service will be accomplished by the CM/ECF system, except the plaintiff
7 served herewith by mail.
8

9 */s/ Lawrence D. Rohlfing*

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11 Lawrence D. Rohlfing
12 Attorneys for Plaintiff
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