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5 Attorneys for Plaintiff  
 6 Earl Fitzgerald White

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

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EARL FITZGERALD WHITE,	)	Case No.: 1:17-cv-00629-BAM
	)	
Plaintiff,	)	STIPULATION AND ORDER FOR THE
	)	AWARD AND PAYMENT OF ATTORNEY
vs.	)	FEEES AND EXPENSES PURSUANT TO
	)	THE EQUAL ACCESS TO JUSTICE ACT,
NANCY A. BERRYHILL, Acting	)	28 U.S.C. § 2412(d) AND COSTS
Commissioner of Social Security,	)	PURSUANT TO 28 U.S.C. § 1920
	)	
Defendant.	)	
	)	
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TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE JUDGE OF  
 THE DISTRICT COURT:

22 IT IS HEREBY STIPULATED, by and between the parties through their undersigned  
 23 counsel, subject to the approval of the Court, that Earl Fitzgerald White be awarded attorney fees  
 24 in the amount of four thousand dollars (\$4,000.00) under the Equal Access to Justice Act  
 25 (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services  
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1 rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with  
2 28 U.S.C. §§ 1920; 2412(d).

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

10 Fees shall be made payable to Earl Fitzgerald White, but if the Department of the  
11 Treasury determines that Earl Fitzgerald White does not owe a federal debt, then the government  
12 shall cause the payment of fees, expenses and costs to be made directly to Law Offices of  
13 Lawrence D. Rohlring, pursuant to the assignment executed by Earl Fitzgerald White.<sup>1</sup> Any  
14 payments made shall be delivered to Young Cho.

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

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

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26 <sup>1</sup> 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 DATE: March 22, 2018

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3 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

*/s/ Young Cho*

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5 BY: \_\_\_\_\_  
6 Young Cho  
7 Attorney for plaintiff Earl Fitzgerald White

8 DATE: March 22, 2018

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McGREGOR W. SCOTT  
United States Attorney

*/s/ Donna W. Anderson*

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DONNA W. ANDERSON  
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 four thousand dollars (\$4,000.00), as authorized by 28 U.S.C. §2412, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: March 23, 2018

*/s/ Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE