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9 Attorneys for Plaintiff  
10 Tracy Cardinale

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13 **UNITED STATES DISTRICT COURT**  
14 **EASTERN DISTRICT OF CALIFORNIA**  
15

16 TRACY CARDINALE,	)	Case No.: 1:17-cv-00788-BAM
	)	
17 Plaintiff,	)	STIPULATION AND ORDER FOR
	)	THE AWARD AND PAYMENT OF
18 vs.	)	ATTORNEY FEES PURSUANT TO
19 NANCY A. BERRYHILL, Acting	)	THE EQUAL ACCESS TO JUSTICE
20 Commissioner of Social Security,	)	ACT, 28 U.S.C. § 2412(d)
	)	
21 Defendant.	)	
	)	

22 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE  
23 JUDGE OF THE DISTRICT COURT:

24 IT IS HEREBY STIPULATED, by and between the parties through their  
25 undersigned counsel, subject to the approval of the Court, that Tracy Cardinale be  
26 awarded attorney fees in the amount of ONE THOUSAND SIX HUNDRED  
FIFTY dollars (\$1,650.00) under the Equal Access to Justice Act (EAJA), 28  
U.S.C. § 2412(d). This amount represents compensation for all legal services  
rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
accordance with 28 U.S.C. §§ 1920; 2412(d).

1           After the Court issues an order for EAJA fees to Tracy Cardinale, the  
2 government will consider the matter of Tracy Cardinale's assignment of EAJA fees  
3 to Brian C. Shapiro. The retainer agreement containing the assignment is attached  
4 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability  
5 to honor the assignment will depend on whether the fees are subject to any offset  
6 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 Tracy Cardinale, but if the Department of the  
10 Treasury determines that Tracy Cardinale does not owe a federal debt, then the  
11 government shall cause the payment of fees, expenses and costs to be made  
12 directly to Law Offices of Lawrence D. Rohlring, pursuant to the assignment  
13 executed by Tracy Cardinale.<sup>1</sup> Any payments made shall be delivered to Brian C.  
14 Shapiro.

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

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

24 \_\_\_\_\_  
25 <sup>1</sup> 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 DATE: January 18, 2018

Respectfully submitted,

2 LAW OFFICES OF LAWRENCE D. ROHLFING

3 /s/ *Brian C. Shapiro*

4 BY: \_\_\_\_\_

Brian C. Shapiro  
Attorney for plaintiff Tracy Cardinale

5  
6 DATED: January 18, 2018

McGREGOR W. SCOTT  
United States Attorney

7  
8 /s/ *Ellinor Coder*

9 \_\_\_\_\_  
ELLINOR CODER

10 Special Assistant United States Attorney  
11 Attorneys for Defendant NANCY A.  
BERRYHILL, Acting Commissioner of Social  
Security (Per e-mail authorization)

12  
13 **ORDER**

14  
15 Based upon the parties' stipulation for the award and payment of attorney  
16 fees under the Equal Access to Justice Act filed on January 18, 2018, IT IS  
17 HEREBY ORDERED that fees in the amount of one thousand six hundred fifty  
18 dollars (\$1,650.00) as authorized by 28 U.S.C. § 2412, be awarded subject to the  
19 terms of the stipulation.  
20 IT IS SO ORDERED.

21 Dated: January 19, 2018

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE

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