

Marc V. Kalagian
Attorney at Law: 149034
Law Offices of Rohlfing & Kalagian, LLP
211 East Ocean Boulevard, Suite 420
Long Beach, CA 90802
Tel.: (562) 437-7006
Fax: (562) 432-2935
E-mail: rohlfig.kalagian@rksslaw.com

Attorneys for Plaintiff
Daniel James Slover

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

DANIEL JAMES SLOVER,)	Case No.: 1:17-CV-00958-JDP
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
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. §
Defendant.)	1920
)	
)	

TO THE HONORABLE JEREMY D. PETERSON, MAGISTRATE
JUDGE OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Daniel James Slover be awarded attorney fees in the amount of Three Thousand, Six Hundred dollars (\$3,600.00) 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).

After the Court issues an order for EAJA fees to Daniel James Slover, the government will consider the matter of Daniel James Slover's assignment of EAJA fees to Marc V. Kalagian. The retainer agreement containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Daniel James Slover, but if the Department of the Treasury determines that Daniel James Slover does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the assignment executed by Daniel James Slover.¹ Any payments made shall be delivered to Marc V. Kalagian.

This stipulation constitutes a compromise settlement of Daniel James Slover's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Daniel James Slover and/or Marc V. Kalagian including Law Offices of Rohlfing & Kalagian, LLP may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Marc V. Kalagian and/or the Law Offices of Rohlfing & Kalagian, LLP to seek Social Security Act attorney

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.

fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: January 29, 2019

Respectfully submitted,

ROHLFING & KALAGIAN, LLP

/s/ Marc V. Kalagian

BY: _____

Marc V. Kalagian

Attorney for plaintiff Daniel James Slover

DATED: January 29, 2019

MCGREGOR W. SCOTT
United States Attorney

/s/ Donna W. Anderson

DONNA W. ANDERSON

Special Assistant United States Attorney

Attorneys for Defendant

NANCY A. BERRYHILL, Acting Commissioner
of Social Security (Per e-mail authorization)

ORDER

IT IS SO ORDERED.

Dated: February 12, 2019



UNITED STATES MAGISTRATE JUDGE