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5 Attorneys for Plaintiff
6 Leon Reyes

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

10 LEON REYES,) Case No.: 1:17-cv-01065-SAB
11)
Plaintiff,)
12) STIPULATION AND PROPOSED
vs.) ORDER FOR THE AWARD AND
13) PAYMENT OF ATTORNEY FEES
NANCY A. BERRYHILL, Acting) AND EXPENSES PURSUANT TO
14) THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,) ACT, 28 U.S.C. § 2412(d) AND
15) COSTS PURSUANT TO 28 U.S.C. §
Defendant.) 1920
16)

17 TO THE HONORABLE STANLEY A. BOONE, MAGISTRATE JUDGE
18 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 Leon Reyes be
21 awarded attorney fees in the amount of two thousand seven-hundred seventy-five
22 dollars (\$2,775.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
23 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, in accordance with 28 U.S.C. §§ 1920; 2412(d).
26

1 After the Court issues an order for EAJA fees to Leon Reyes, the
2 government will consider the matter of Leon Reyes's assignment of EAJA fees to
3 Cyrus Safa. The retainer agreement containing the assignment is attached as
4 exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to
5 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 Program.
7 After the order for EAJA fees is entered, the government will determine whether
8 they are subject to any offset.

9 Fees shall be made payable to Leon Reyes, but if the Department of the
10 Treasury determines that Leon Reyes 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 Leon Reyes.¹ Any payments made shall be delivered to Cyrus Safa.

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

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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 Cyrus Safa and/or the Law
2 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under
3 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

4 DATE: August 14, 2018

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Cyrus Safa

BY: _____

Cyrus Safa
Attorney for plaintiff Leon Reyes

9 DATED: August 14, 2018

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Acting Regional Chief Counsel, Region IX
Social Security Administration

/s/ Marcelo N. Illarmo

MARCELO N. ILLARMO
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

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that attorney fees in the amount of two thousand seven-hundred seventy-five dollars (\$2,775.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920 are awarded to Plaintiff as set forth in the parties' stipulation.

IT IS SO ORDERED.

Dated: August 15, 2018


UNITED STATES MAGISTRATE JUDGE