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5 Attorneys for Plaintiff
6 Laura Diane Fowler

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

10 LAURA DIANE FOWLER,) Case No.: 1:17-cv-01253-EPG
11)
12 Plaintiff,) STIPULATION AND ORDER FOR
13 vs.) THE AWARD AND PAYMENT OF
14 NANCY A. BERRYHILL, Acting) ATTORNEY FEES AND EXPENSES
Commissioner of Social Security,) PURSUANT TO THE EQUAL
15 Defendant.) ACCESS TO JUSTICE ACT, 28 U.S.C.
16) § 2412(d) AND COSTS PURSUANT
TO 28 U.S.C. § 1920
) (ECF No. 24, 26)
)

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18 TO THE HONORABLE ERICA P. GROSJEAN, MAGISTRATE JUDGE
19 OF THE DISTRICT COURT:

20 IT IS HEREBY STIPULATED, by and between the parties through their
21 undersigned counsel, subject to the approval of the Court, that Laura Diane Fowler
22 be awarded attorney fees and expenses in the amount of three thousand three
23 hundred eighty-five dollars and seven cents (\$3,385.07) under the Equal Access to
24 Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920.
25 This amount represents compensation for all legal services rendered on behalf of
26 Plaintiff by counsel in connection with this civil action, in accordance with 28

1 U.S.C. §§ 1920; 2412(d).

2 After the Court issues an order for EAJA fees to Laura Diane Fowler, the
3 government will consider the matter of Laura Diane Fowler's assignment of EAJA
4 fees to Cyrus Safa. The retainer agreement containing the assignment is attached
5 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability
6 to honor the assignment will depend on whether the fees are subject to any offset
7 allowed under the United States Department of the Treasury's Offset
8 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 Laura Diane Fowler, but if the Department of
11 the Treasury determines that Laura Diane Fowler does not owe a federal debt, then
12 the government shall cause the payment of fees, expenses and costs to be made
13 directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment
14 executed by Laura Diane Fowler.¹ Any payments made shall be delivered to Cyrus
15 Safa.

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

23 This award is without prejudice to the rights of Cyrus Safa and/or the Law
24

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 Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under
2 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

3 DATE: March 22, 2019 Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLRING

5 /s/ *Cyrus Safa*

6 BY: _____
7 Cyrus Safa
8 Attorney for plaintiff Laura Diane Fowler

8 DATED: March 22, 2019 MCGREGOR W. SCOTT
9 United States Attorney

10 /s/ *Marcelo N. Illarmo*

11 _____
12 MARCELO N. ILLARMO
13 Special Assistant United States Attorney
14 Attorneys for Defendant
15 NANCY A. BERRYHILL, Acting Commissioner
16 of Social Security (Per e-mail authorization)

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ORDER

IT IS ORDERED that attorney fees in the amount of three thousand three hundred eighty-five dollars and seven cents (\$3,385.07), 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 subject to the terms of the Stipulation. (ECF No. 26.) In light of the stipulation and this order awarding EAJA attorney fees to Plaintiff, Plaintiff's Motion for Attorney Fees (ECF No. 24) is denied as moot.

IT IS SO ORDERED.

Dated: March 25, 2019

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE