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5 Attorneys for Plaintiff
 Carrie Mae Gibson

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

10	CARRIE MAE GIBSON,)	Case No.: 1:18-cv-00495-GSA
11	Plaintiff,)	STIPULATION FOR THE AWARD
12	vs.)	AND PAYMENT OF ATTORNEY
13	NANCY A. BERRYHILL, Acting)	FEEES AND EXPENSES PURSUANT
14	Commissioner of Social Security,)	TO THE EQUAL ACCESS TO
15	Defendant.)	JUSTICE ACT, 28 U.S.C. § 2412(d)
)	AND COSTS PURSUANT TO 28
)	U.S.C. § 1920

16
 17 TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF
 18 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 Carrie Mae Gibson
 21 be awarded attorney fees and expenses in the amount of One Thousand Six
 22 Hundred dollars (\$1,600.00) under the Equal Access to Justice Act (EAJA), 28
 23 U.S.C. § 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).

1 After the Court issues an order for EAJA fees to Carrie Mae Gibson, the
2 government will consider the matter of Carrie Mae Gibson's assignment of EAJA
3 fees to Denise Bourgeois Haley. The retainer agreement containing the assignment
4 is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
5 the ability to honor the assignment will depend on whether the fees are subject to
6 any offset 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 Carrie Mae Gibson, but if the Department of
10 the Treasury determines that Carrie Mae Gibson does not owe a federal debt, then
11 the 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 Carrie Mae Gibson.¹ Any payments made shall be delivered to Denise
14 Bourgeois Haley.

15 This stipulation constitutes a compromise settlement of Carrie Mae Gibson'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 Carrie
19 Mae Gibson and/or Denise Bourgeois Haley including Law Offices of Lawrence
20 D. Rohlring may have relating to EAJA attorney fees in connection with this
21 action.

22 This award is without prejudice to the rights of Denise Bourgeois Haley
23 and/or the Law Offices of Lawrence D. Rohlring to seek Social Security Act

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

3
4 DATE: December 18, 2018

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Denise Bourgeois Haley

6 BY: _____

Denise Bourgeois Haley

Attorney for plaintiff Carrie Mae Gibson

8
9 DATED:

ALEX G. TSE

Acting United States Attorney

/s/ Francesco Benavides

12 _____
FRANCESCO BENAVIDES

Special Assistant United States Attorney
Attorneys for Defendant Nancy A. Berryhill,
Acting Commissioner of Social Security
(Per e-mail authorization)

16
17 IT IS SO ORDERED.

18 Dated: January 5, 2019

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE