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 Attorneys for Plaintiff
 6 Maria Del Rosario Gervacio De Martinez

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

13	MARIA DEL ROSARIO GERVACIO)	Case No.: 1:19-cv-00528-SKO
14	DE MARTINEZ,)	
15	Plaintiff,)	STIPULATION AND ORDER FOR
16	vs.)	THE AWARD AND PAYMENT OF
17	ANDREW SAUL,)	ATTORNEY FEES AND EXPENSES
18	Commissioner of Social Security,)	PURSUANT TO THE EQUAL
19	Defendant.)	ACCESS TO JUSTICE ACT, 28 U.S.C.
)	§ 2412(d) AND COSTS PURSUANT
)	TO 28 U.S.C. § 1920
)	(Doc. 19)

20 TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE
 21 OF THE DISTRICT COURT:

22 IT IS HEREBY STIPULATED, by and between the parties through their
 23 undersigned counsel, subject to the approval of the Court, that Maria Del Rosario
 24 Gervacio De Martinez be awarded attorney fees in the amount of three thousand
 25 eight hundred dollars (\$3,800.00) under the Equal Access to Justice Act (EAJA),
 26 28 U.S.C. § 2412(d), and costs in the amount of zero dollars (\$0.00) under 28

1 U.S.C. § 1920. This amount represents compensation for all legal services
2 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
3 accordance with 28 U.S.C. §§ 1920; 2412(d).

4 After the Court issues an order for EAJA fees to Gervacio De Martinez, the
5 government will consider the matter of Gervacio De Martinez's assignment of
6 EAJA fees to Young Cho. The retainer agreement containing the assignment is
7 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
8 the ability to honor the assignment will depend on whether the fees are subject to
9 any offset allowed under the United States Department of the Treasury's Offset
10 Program. After the order for EAJA fees is entered, the government will determine
11 whether they are subject to any offset.

12 Fees shall be made payable to Gervacio De Martinez, but if the Department
13 of the Treasury determines that Gervacio De Martinez does not owe a federal debt,
14 then the government shall cause the payment of fees, expenses and costs to be
15 made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment
16 executed by Gervacio De Martinez.¹ Any payments made shall be delivered to
17 Young Cho.

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

3 This award is without prejudice to the rights of Young Cho and/or the Law
4 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under
5 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: November 17, 2020 Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLFING

8 */s/ Young Cho*

9 BY: _____

Young Cho

Attorney for plaintiff

10 MARIA DEL ROSARIO GERVACIO DE MARTINEZ

11
12 DATE: November 17, 2020 MCGREGOR W. SCOTT
13 United States Attorney

14 */s/ Daniel P. Talbert*

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DANIEL P. TALBERT

16 Special Assistant United States Attorney

Attorneys for Defendant

17 ANDREW SAUL, Commissioner of Social
18 Security (Per e-mail authorization from Oscar
Gonzalez)

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21 **ORDER**

22 Based upon the parties' above "Stipulation for the Award and Payment of
23 Attorney's Fees Under the Equal Access to Justice Act (EAJA) (28 U.S.C.
24 §2412(d)) and Costs Pursuant to 28 U.S.C. § 1920" (the "Stipulation") (Doc. 19),
25 IT IS ORDERED that attorney's fees in the amount THREE THOUSAND EIGHT
26 HUNDRED DOLLARS (\$3,800.00) under the Equal Access to Justice Act

1 (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO DOLLARS
2 (\$0.00) under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

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IT IS SO ORDERED.

Dated: November 18, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE