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9 Attorneys for Plaintiff
 10 Sabrina S. Schroeder

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

<p>13 SABRINA S. SCHROEDER,</p> <p>14</p> <p>15 Plaintiff,</p> <p>16 vs.</p> <p>17 MICHAEL J. ASTRUE, Commissioner of Social Security,</p> <p>18</p> <p>19 Defendant.</p>	<p>) Case No.: CV 10-2416 CMK</p> <p>)</p> <p>) STIPULATION AND ORDER FOR</p> <p>) THE AWARD AND PAYMENT OF</p> <p>) ATTORNEY FEES AND EXPENSES</p> <p>) PURSUANT TO THE EQUAL</p> <p>) ACCESS TO JUSTICE ACT, 28 U.S.C.</p> <p>) § 2412(d)</p> <p>)</p> <p>)</p> <p>)</p>
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21 TO THE HONORABLE CRAIG M. KELLISON, MAGISTRATE JUDGE

22 OF THE DISTRICT COURT:

23 IT IS HEREBY STIPULATED by and between the parties through their

24 undersigned counsel, subject to the approval of the Court, that Sabrina S.

25 Schroeder be awarded attorney fees and expenses in the amount of two thousand

26 eight hundred dollars (\$2,800.00) under the Equal Access to Justice Act (EAJA),

1 28 U.S.C. § 2412(d). 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 Sabrina S. Schroeder, the
5 government will consider the matter of Sabrina S. Schroeder's assignment of EAJA
6 fees to Young Cho. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253
7 (2010), the ability to honor the assignment will depend on whether the fees are
8 subject to any offset allowed under the United States Department of the Treasury's
9 Offset Program. After the order for EAJA fees is entered, the government will
10 determine whether they are subject to any offset.

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

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

23 Young Cho reserves the right to contend that any non-payment caused by
24 the collection of a federal debt owed by Sabrina S. Schroeder violates 31 C.F.R. §
25 285.5(e)(5) and *Morrison v. C.I.R.*, 565 F.3d 658, 667 (9th Cir. 2009). Nothing in
26 this stipulation shall be construed as an admission by Young Cho that the

1 Government has the right or authority to offset the fees due and payable pursuant
2 to this stipulation.

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

6 DATE: April 30, 2012

Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLFING

8 */s/ Young Cho*

9 BY: _____

Young Cho

Attorney for plaintiff Sabrina S. Schroeder

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11 DATE: April 30, 2012

BENJAMIN B. WAGNER

United States Attorney

12
13 */s/ Elizabeth Firer*

14 _____
Elizabeth Firer

Special Assistant United States Attorney

Attorneys for Defendant Michael J. Astrue,

Commissioner of Social Security

(Per e-mail authorization)

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18 **ORDER**

19 Approved and so ordered:

20 **Date: 5/2/2012**

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23 **CRAIG M. KELLISON**

24 **UNITED STATES MAGISTRATE JUDGE**

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