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 Arron P. Johnson
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7 **UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

<p>9</p> <p>10 ARRON P. JOHNSON,</p> <p>11 Plaintiff,</p> <p>12 vs.</p> <p>13 MICHAEL J. ASTRUE,</p> <p> Commissioner of Social Security,</p> <p>14 Defendant.</p>	<p>) Case No.: 2:10-cv-02578-EFB</p> <p>)</p> <p>) STIPULATION FOR THE AWARD</p> <p>) AND PAYMENT OF ATTORNEY</p> <p>) FEEES AND EXPENSES PURSUANT</p> <p>) TO THE EQUAL ACCESS TO</p> <p>) JUSTICE ACT, 28 U.S.C. § 2412(d)</p> <p>) AND COSTS PURSUANT TO 28</p> <p>) U.S.C. § 1920 AND ORDER</p> <p>)</p> <p>)</p>
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17 TO THE HONORABLE EDMUND F. BRENNAN, MAGISTRATE

18 JUDGE 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 Arron P. Johnson be

21 awarded attorney fees and expenses in the amount of three thousand three hundred

22 dollars (\$3300) under the Equal Access to Justice Act (EAJA), 28 U.S.C.

23 § 2412(d). This amount represents compensation for all legal services rendered on

24 behalf of Plaintiff by counsel in connection with this civil action, in accordance

25 with 28 U.S.C. §§ 1920; 2412(d).

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1 After the Court issues an order for EAJA fees to Arron P. Johnson, the
2 government will consider the matter of Arron P. Johnson's assignment of EAJA
3 fees to Brian C. Shapiro. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2252-2253
4 (2010), the ability to honor the assignment will depend on whether the fees are
5 subject to any offset allowed under the United States Department of the Treasury's
6 Offset Program. After the order for EAJA fees is entered, the government will
7 determine whether they are subject to any offset.

8 Fees shall be made payable to Arron P. Johnson, but if the Department of
9 the Treasury determines that Arron P. Johnson does not owe a federal debt, then
10 the government shall cause the payment of fees, expenses and costs to be made
11 directly to Law Offices of Lawrence D. Rohlfig, pursuant to the assignment
12 executed by Arron P. Johnson. Any payments made shall be delivered to Brian C.
13 Shapiro.

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

20 Brian C. Shapiro reserves the right to contend that any non-payment caused
21 by the collection of a federal debt owed by Arron P. Johnson violates 31 C.F.R. §
22 285.5(e)(5) and *Morrison v. C.I.R.*, 565 F.3d 658, 667 (9th Cir. 2009). Nothing in
23 this stipulation shall be construed as an admission by Brian C. Shapiro that the
24 Government has the right or authority to offset the fees due and payable pursuant
25 to this stipulation.

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

4 DATE: March 26, 2012

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Brian C. Shapiro

BY: _____

Brian C. Shapiro
Attorney for plaintiff Arron P. Johnson

9 DATED:

BENJAMIN B. WAGNER
United States Attorney

/s/ Sundeep Patel

Sundeep Patel
Special Assistant United States Attorney
Attorneys for Defendant Michael J. Astrue,
Commissioner of Social Security
(Per e-mail authorization)

18 **ORDER**

19
20 IT IS ORDERED that fees and expenses in the amount of \$3300 as
21 authorized by 28 U.S.C. § 2412 be awarded subject to the terms of the Stipulation.

22 DATED: March 29, 2012.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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