

1 Young Cho
 Attorney at Law: 189870
 2 Law Offices of Lawrence D. Rohlfing
 12631 East Imperial Highway, Suite C-115
 3 Santa Fe Springs, CA 90670
 Tel.: (562)868-5886
 4 Fax: (562)868-8868
 E-mail: rohlfig.office@rohlfiglaw.com

5 Attorneys for Plaintiff
 6 Alisha Bailey

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

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ALISHA BAILEY,)	Case No.: 2:15-cv-00153-CMK
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
vs.)	ATTORNEY FEES AND EXPENSES
)	PURSUANT TO THE EQUAL
CAROLYN W. COLVIN, Acting)	ACCESS TO JUSTICE ACT, 28 U.S.C.
Commissioner of Social Security,)	§ 2412(d) AND COSTS PURSUANT
)	TO 28 U.S.C. § 1920
Defendant.)	
)	
)	

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20 TO THE HONORABLE CRAIG M. KELLISON, MAGISTRATE JUDGE
 21 OF THE UNITED STATES 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 Alisha Bailey be
 24 awarded attorney fees in the amount of two thousand nine hundred dollars
 25 (\$2,900.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
 26 This amount represents compensation for all legal services rendered on behalf of

1 Plaintiff by counsel in connection with this civil action, in accordance with 28
2 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Alisha Bailey, the
4 government will consider the matter of Alisha Bailey's assignment of EAJA fees to
5 Young Cho. 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 Program.
8 After the order for EAJA fees is entered, the government will determine whether
9 they are subject to any offset.

10 Fees shall be made payable to Alisha Bailey, but if the Department of the
11 Treasury determines that Alisha Bailey does not owe a federal debt, then the
12 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 Alisha Bailey. *United States v. \$186,416.00*, 722 F.3d 1173, 1176
15 (9th Cir. 2013) (*\$186,416.00 II*) (ordering fees paid to counsel because of an
16 assignment that did not interfere with a raised superior lien).¹ Any payments made
17 shall be delivered to Young Cho.

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19 ¹ The Commissioner does not stipulate to the citation of *\$186,416.00 II*, and will
20 not participate in representing to this Court that it carries legal import in these
21 proceedings. *\$186,416 II* involved a different statute and very different factual
22 circumstances than those presented here, or in other Social Security cases.
23 Because the parties have agreed to the payment of EAJA fees, and the amount, and
24 to avoid motion practice solely related to Plaintiff's citation, the Commissioner
agrees to this stipulation. The Commissioner reserves the right to challenge the
applicability of *\$186,416 II* to any Social Security case, and this Stipulation should
not be construed as a waiver of such reservation.

25 Alisha Bailey contends that *U.S. v. \$186,416.00 in U.S. Currency*, 642 F.3d 753,
26 757 (9th Cir. 2011) (*\$186,416.00 I*) held that there is no functional difference
between the CAFRA and EAJA in terms of "ownership" of the fee. *U.S. v. Kim*,

1 This stipulation constitutes a compromise settlement of Alisha Bailey's
2 request for EAJA attorney fees, and does not constitute an admission of liability on
3 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
4 shall constitute a complete release from, and bar to, any and all claims that Alisha
5 Bailey and/or Young Cho including Law Offices of Lawrence D. Rohlring may
6 have relating to EAJA attorney fees in connection with this action.

7 This award is without prejudice to the rights of Young Cho and/or the Law
8 Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under
9 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

10 DATE: May 9, 2016

Respectfully submitted,

11 LAW OFFICES OF LAWRENCE D. ROHLRING

12 */s/ Young Cho*

13 BY: _____

Young Cho
Attorney for plaintiff Alisha Bailey

15 DATE: May 9, 2016

PHILLIP A. TALBERT
Acting United States Attorney

17 */s/ Theophous H. Reagans*

18 _____
19 THEOPHOUS H. REAGANS
20 Special Assistant United States Attorney
21 Attorneys for Defendant Carolyn W. Colvin,
22 Acting Commissioner of Social Security
23 (Per e-mail authorization)

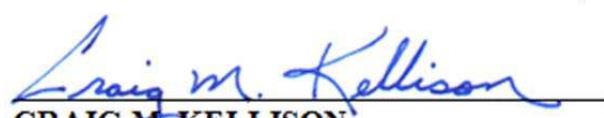
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25 797 F.3d 696, 699 (9th Cir. 2015) holds that the Anti-Assignment Act invalidates
26 an assignment but does not preclude the attorney from gaining an interest in the
fees.

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ORDER

Approved and so ordered:

Dated: May 11, 2016


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of May 9, 2016, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Alisha Bailey
P.O. Box 792
Palo Cedro, CA 96073

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Young Cho
TYPE OR PRINT NAME

/s/ Young Cho
SIGNATURE