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5 Attorneys for Plaintiff
 Alicia Enid Colon
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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

<p>10 ALICIA ENID COLON,</p> <p>11 Plaintiff,</p> <p>12 vs.</p> <p>13 CAROLYN W. COLVIN, Acting Commissioner of Social Security,</p> <p>14 Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No.: 2:15-cv-1072-EFB</p> <p>STIPULATION AND PROPOSED</p> <p>ORDER FOR THE AWARD AND</p> <p>PAYMENT OF ATTORNEY FEES</p> <p>PURSUANT TO THE EQUAL</p> <p>ACCESS TO JUSTICE ACT, 28 U.S.C.</p> <p>§ 2412(d)</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 Alicia Enid Colon

21 be awarded attorney fees in the amount of FOUR THOUSAND dollars (\$4,000)

22 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount

23 represents compensation for all legal services rendered on behalf of Plaintiff by

24 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;

25 2412(d).

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1 After the Court issues an order for EAJA fees to Alicia Enid Colon, the
2 government will consider the matter of Alicia Enid Colon's assignment of EAJA
3 fees to Brian C. Shapiro. The retainer agreement containing the assignment is
4 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 Alicia Enid Colon, but if the Department of
10 the Treasury determines that Alicia Enid Colon 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. Rohlifing, pursuant to the assignment
13 executed by Alicia Enid Colon.¹ Any payments made shall be delivered to Brian
14 C. Shapiro.

15 This stipulation constitutes a compromise settlement of Alicia Enid Colon'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 Alicia
19 Enid Colon and/or Brian C. Shapiro including Law Offices of Lawrence D.
20 Rohlifing may have relating to EAJA attorney fees in connection with this action.

21 This award is without prejudice to the rights of Brian C. Shapiro and/or the
22 Law Offices of Lawrence D. Rohlifing to seek Social Security Act attorney fees
23 under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.
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26 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien under federal law against the recovery of EAJA fees that survives the Treasury Offset Program.

1 DATE: October 24, 2016

Respectfully submitted,

2 LAW OFFICES OF LAWRENCE D. ROHLFING

3 /s/ *Brian C. Shapiro*

4 BY: _____

Brian C. Shapiro
Attorney for plaintiff Alicia Enid Colon

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6 DATED: October 24, 2016

PHILLIP A. TALBERT
Acting United States Attorney

7
8 /s/ *Richard Rodriguez*

9 _____
RICHARD RODRIGUEZ
Special Assistant United States Attorney
Attorneys for Defendant Carolyn W. Colvin,
Acting Commissioner of Social Security
10 (Per e-mail authorization)
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15 **ORDER**

16 Approved and so ordered.

17 DATED: October 25, 2016.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE
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