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

<p>10 BRENDA G. SHORT,</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>) Case No.: 2:15-cv-01174-EFB</p> <p>)</p> <p>) <b>STIPULATION AND PROPOSED</b></p> <p>) <b>ORDER FOR THE AWARD AND</b></p> <p>) <b>PAYMENT OF ATTORNEY FEES</b></p> <p>) <b>PURSUANT TO THE EQUAL</b></p> <p>) <b>ACCESS TO JUSTICE ACT, 28 U.S.C.</b></p> <p>) <b>§ 2412(d)</b></p> <p>)</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 Brenda G. Short be

21 awarded attorney fees in the amount of THREE THOUSAND TWO HUNDRED

22 dollars (\$3,200) 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 Brenda G. Short, the  
2 government will consider the matter of Brenda G. Short's assignment of EAJA fees  
3 to Brian C. Shapiro. ~~The retainer agreement containing the assignment is attached~~  
4 ~~as exhibit 1.~~ Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability  
5 to honor the assignment will depend on whether the fees are subject to any offset  
6 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 Brenda G. Short, but if the Department of the  
10 Treasury determines that Brenda G. Short does not owe a federal debt, then the  
11 government shall cause the payment of fees, expenses and costs to be made  
12 directly to Law Offices of Lawrence D. Rohlfig, pursuant to the assignment  
13 executed by Brenda G. Short.<sup>1</sup> Any payments made shall be delivered to Brian C.  
14 Shapiro.

15           This stipulation constitutes a compromise settlement of Brenda G. Short'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 Brenda  
19 G. Short and/or Brian C. Shapiro including Law Offices of Lawrence D. Rohlfig  
20 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. Rohlfig 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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<sup>1</sup> 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 7, 2016

Respectfully submitted,

2 LAW OFFICES OF LAWRENCE D. ROHLFING

3 /s/ *Brian C. Shapiro*

4 BY: \_\_\_\_\_

Brian C. Shapiro  
Attorney for plaintiff Brenda G. Short

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6 DATED: October 7, 2016

PHILLIP A. TALBERT  
Acting United States Attorney

7  
8 /s/ *Jean M. Turk*

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JEAN M. TURK  
Special Assistant United States Attorney  
10 Attorneys for Defendant Carolyn W. Colvin,  
Acting Commissioner of Social Security  
11 (Per e-mail authorization)

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14 **ORDER**

15 Approved and so ordered.

16 DATED: October 13, 2016

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EDMUND F. BRENNAN  
18 UNITED STATES MAGISTRATE JUDGE