

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

5 Attorneys for Plaintiff
 Kenneth A. Beyer
 6

7
 8
 9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11			
12	KENNETH A. BEYER,)	No. 2:15-cv-01306-DB
)	
13	Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
14	vs.)	ATTORNEY FEES AND EXPENSES
)	PURSUANT TO THE EQUAL
15	NANCY A. BERRYHILL, ¹ Acting)	ACCESS TO JUSTICE ACT, 28 U.S.C.
	Commissioner of Social Security,)	§ 2412(d) AND COSTS PURSUANT
16)	TO 28 U.S.C. § 1920
)	
17	Defendant.)	

18
 19 TO THE HONORABLE DEBORAH BARNES, MAGISTRATE JUDGE
 20 OF THE UNITED STATES DISTRICT COURT:

21 IT IS HEREBY STIPULATED, by and between the parties through their
 22 undersigned counsel, subject to the approval of the Court, that Kenneth A. Beyer

23 _____
 24 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social
 25 Security. Pursuant to Rule 25(d) of F.R.C.P., Nancy A. Berryhill should be
 26 substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this
 suit. No further action needs to be taken to continue this suit by reason of the last
 sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 be awarded attorney fees in the amount of four thousand two hundred dollars
2 (\$4,200.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
3 and costs in the amount of four hundred dollars (\$400.00) under 28 U.S.C. § 1920.
4 This amount represents compensation for all legal services rendered on behalf of
5 Plaintiff by counsel in connection with this civil action, in accordance with 28
6 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Kenneth A. Beyer, the
8 government will consider the matter of Kenneth A. Beyer's assignment of EAJA
9 fees to Young Cho. The retainer agreement containing the assignment is attached
10 as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability
11 to honor the assignment will depend on whether the fees are subject to any offset
12 allowed under the United States Department of the Treasury's Offset
13 Program. After the order for EAJA fees is entered, the government will determine
14 whether they are subject to any offset.

15 Fees shall be made payable to Kenneth A. Beyer, but if the Department of
16 the Treasury determines that Kenneth A. Beyer does not owe a federal debt, then
17 the government shall cause the payment of fees, expenses and costs to be made
18 directly to Law Offices of Lawrence D. Rohlifing, pursuant to the assignment
19 executed by Kenneth A. Beyer.² Any payments made shall be delivered to Young
20 Cho.

21 This stipulation constitutes a compromise settlement of Kenneth A. Beyer's
22 request for EAJA attorney fees, and does not constitute an admission of liability on
23 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount

24 _____
25 ² The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 shall constitute a complete release from, and bar to, any and all claims that
2 Kenneth A. Beyer and/or Young Cho including Law Offices of Lawrence D.
3 Rohlring may have relating to EAJA attorney fees in connection with this action.

4 This award is without prejudice to the rights of Young Cho and/or the Law
5 Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under
6 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

7 DATE: March 16, 2017

Respectfully submitted,

8 LAW OFFICES OF LAWRENCE D. ROHLRING

9 */s/ Young Cho*

10 BY: _____

Young Cho

11 Attorney for plaintiff Kenneth A. Beyer

12 DATE: March 16, 2017

PHILLIP A. TALBERT

13 Acting United States Attorney

14 */s/ Roya Massoumi*

15 _____
ROYA MASSOUMI


16 Special Assistant United States Attorney
Attorneys for Defendant NANCY A.

17 BERRYHILL, Acting Commissioner of Social
18 Security (Per e-mail authorization)

19 **ORDER**

20 Pursuant to the parties' stipulation, IT IS SO ORDERED.

21 Dated: March 16, 2017

22 

23 _____
DEBORAH BARNES

24 UNITED STATES MAGISTRATE JUDGE