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Attorneys for Plaintiff  
Michael Wade Curl

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

MICHAEL WADE CURL,	)	No. 2:15-cv-02088-DB
	)	
Plaintiff,	)	STIPULATION AND ORDER FOR
	)	THE AWARD AND PAYMENT OF
vs.	)	ATTORNEY FEES AND EXPENSES
	)	PURSUANT TO THE EQUAL
NANCY A. BERRYHILL, 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.	)	
	)	

TO THE HONORABLE DEBORAH BARNES, MAGISTRATE JUDGE  
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Michael Wade Curl be awarded attorney fees and expenses in the amount of four thousand dollars (\$4,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1           After the Court issues an order for EAJA fees to Michael Wade Curl, the  
2 government will consider the matter of Michael Wade Curl's assignment of EAJA  
3 fees to Monica Perales. 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 Michael Wade Curl, but if the Department of  
10 the Treasury determines that Michael Wade Curl 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. Rohlfing, pursuant to the assignment  
13 executed by Michael Wade Curl.<sup>1</sup> Any payments made shall be delivered to  
14 Monica Perales.

15           This stipulation constitutes a compromise settlement of Michael Wade  
16 Curl's request for EAJA attorney fees, and does not constitute an admission of  
17 liability on the part of Defendant under the EAJA or otherwise. Payment of the  
18 agreed amount shall constitute a complete release from, and bar to, any and all  
19 claims that Michael Wade Curl and/or Monica Perales including Law Offices of  
20 Lawrence D. Rohlfing may have relating to EAJA attorney fees in connection with  
21 this action.

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26 <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 This award is without prejudice to the rights of Monica Perales and/or the  
2 Law Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees  
3 under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.  
4 DATE: June 5, 2017 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLRING

6 /s/ *Monica Perales*

7 BY: \_\_\_\_\_  
8 Monica Perales  
9 Attorney for plaintiff Michael Wade Curl

10 DATED: June 5, 2017

11 PHILLIP A. TALBERT  
12 United States Attorney  
13 DEBORAH LEE STACHEL  
14 Regional Chief Counsel Region IX  
15 Social Security Administration

16 /s/ *Jennifer A. Kenney*

17 JENNIFER A. KENNEY  
18 Special Assistant United States Attorney  
19 Attorneys for Defendant Nancy A. Berryhill,  
20 Acting Commissioner of Social Security  
21 (Per e-mail authorization)

22 **ORDER**

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

24 Dated: June 20, 2017

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26 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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