

1 After the Court issues an order for EAJA fees to Edward Erin Fredericks,
2 the government will consider the matter of Edward Erin Fredericks's assignment of
3 EAJA fees to Brian C. Shapiro. The retainer agreement containing the assignment
4 is 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 Edward Erin Fredericks, but if the
10 Department of the Treasury determines that Edward Erin Fredericks does not owe
11 a federal debt, then the government shall cause the payment of fees, expenses and
12 costs to be made directly to Law Offices of Lawrence D. Rohlring, pursuant to the
13 assignment executed by Edward Erin Fredericks.¹ Any payments made shall be
14 delivered to Brian C. Shapiro.

15 This stipulation constitutes a compromise settlement of Edward Erin
16 Fredericks's request for EAJA attorney fees, and does not constitute an admission
17 of 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 Edward Erin Fredericks and/or Brian C. Shapiro including Law Offices
20 of Lawrence D. Rohlring may have relating to EAJA attorney fees in connection
21 with this action.

22 This award is without prejudice to the rights of Brian C. Shapiro and/or the
23 Law Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees
24 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.

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DATE: May 10, 2017

Respectfully submitted,
LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Brian C. Shapiro

BY: _____
Brian C. Shapiro
Attorney for plaintiff Edward Erin Fredericks

DATED: May 10, 2017

PHILLIP A. TALBERT
Acting United States Attorney

/s/ Jeffrey T. Chen

JEFFREY T. CHEN
Special Assistant United States Attorney
Attorneys for Defendant NANCY A.
BERRYHILL, Acting Commissioner of Social
Security (Per e-mail authorization)

ORDER

Approved and so ordered.

DATED: May 15, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE