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Attorneys for Plaintiff  
James Scott Whitehouse

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

JAMES SCOTT WHITEHOUSE,	)	Case No.: 2:15-cv-02556-EFB
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER FOR THE AWARD AND
vs.	)	PAYMENT OF ATTORNEY FEES
	)	AND EXPENSES PURSUANT TO
NANCY A. BERRYHILL, Acting	)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,	)	ACT, 28 U.S.C. § 2412(d) AND
	)	COSTS PURSUANT TO 28 U.S.C. §
Defendant.	)	1920
	)	

TO THE HONORABLE EDMUND F. BRENNAN, MAGISTRATE  
JUDGE OF THE UNITED STATES DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their  
undersigned counsel, subject to the approval of the Court, that James Scott  
Whitehouse be awarded attorney fees in the amount of four thousand dollars  
(\$4,000.00), and costs in the amount of four hundred dollars (\$400.00) under 28

1 U.S.C. § 1920. This amount represents compensation for all legal services  
2 rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
3 accordance with 28 U.S.C. §§ 1920; 2412(d).

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

12 Fees shall be made payable to James Scott Whitehouse, but if the  
13 Department of the Treasury determines that James Scott Whitehouse does not owe  
14 a federal debt, then the government shall cause the payment of fees, expenses and  
15 costs to be made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the  
16 assignment executed by James Scott Whitehouse.<sup>1</sup> Any payments made shall be  
17 delivered to Young Cho.

18 This stipulation constitutes a compromise settlement of James Scott  
19 Whitehouse's request for EAJA attorney fees, and does not constitute an admission  
20 of liability on the part of Defendant under the EAJA or otherwise. Payment of the  
21 agreed amount shall constitute a complete release from, and bar to, any and all  
22 claims that James Scott Whitehouse and/or Young Cho including Law Offices of  
23

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24  
25 <sup>1</sup> 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 Lawrence D. Rohlring may have relating to EAJA attorney fees in connection with  
2 this action.

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

6 DATE: May 23, 2017

Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLRING

8 */s/ Young Cho*

9 BY: \_\_\_\_\_

Young Cho

Attorney for plaintiff James Scott Whitehouse

10  
11 DATE: May 23, 2017

PHILLIP A. TALBERT

Acting United States Attorney

12  
13 */s/ Sharon Lahey*

14 \_\_\_\_\_  
SHARON LAHEY

Special Assistant United States Attorney

Attorneys for Defendant NANCY A.

15 BERRYHILL, Acting Commissioner of Social  
16 Security (Per e-mail authorization)

17  
18  
19  
20 **ORDER**

21 Approved and so ordered.

22 DATED: May 24, 2017.

23 

EDMUND F. BRENNAN

24 UNITED STATES MAGISTRATE JUDGE  
25  
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