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

10 ANDREW ROSALES, ) No. 2:16-cv-01497-DB  
11 Plaintiff, )  
12 vs. ) STIPULATION AND ORDER FOR  
13 NANCY A. BERRYHILL, Acting ) THE AWARD AND PAYMENT OF  
Commissioner of Social Security, ) ATTORNEY FEES AND EXPENSES  
14 ) PURSUANT TO THE EQUAL  
15 Defendant. ) ACCESS TO JUSTICE ACT, 28 U.S.C.  
16 ) § 2412(d)

17 TO THE HONORABLE DEBORAH BARNES, MAGISTRATE JUDGE  
18 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 Andrew Rosales be  
21 awarded attorney fees in the amount of THREE THOUSAND NINE HUNDRED  
22 dollars (\$3900) 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 Andrew Rosales, the  
2 government will consider the matter of Andrew Rosales'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 Andrew Rosales, but if the Department of the  
10 Treasury determines that Andrew Rosales 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. Rohlring, pursuant to the assignment  
13 executed by Andrew Rosales.<sup>1</sup> Any payments made shall be delivered to Brian C.  
14 Shapiro.

15           This stipulation constitutes a compromise settlement of Andrew Rosales'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 Andrew  
19 Rosales and/or Brian C. Shapiro including Law Offices of Lawrence D. Rohlring  
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. Rohlring 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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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.

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DATE: August 29, 2017

Respectfully submitted,  
LAW OFFICES OF LAWRENCE D. ROHLFING

*/s/ Brian C. Shapiro*  
BY: \_\_\_\_\_  
Brian C. Shapiro  
Attorney for plaintiff Andrew Rosales

DATED: August 29, 2017

PHILLIP A. TALBERT  
Acting United States Attorney

*/s/ Ben A. Porter*  
\_\_\_\_\_  
BEN A. PORTER  
Special Assistant United States Attorney  
Attorneys for Defendant NANCY A.  
BERRYHILL, Acting Commissioner of Social  
Security (Per e-mail authorization)

**ORDER**

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

Dated: August 31, 2017

  
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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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