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5 Attorneys for Plaintiff
 6 Richard Mitchener

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

10 RICHARD MITCHENER,)	Case No.: 2:16-cv-1885-EFB
11)	
12 Plaintiff,)	STIPULATION AND PROPOSED
13)	ORDER FOR THE AWARD AND
14 vs.)	PAYMENT OF ATTORNEY FEES
15)	AND EXPENSES PURSUANT TO
16 NANCY A. BERRYHILL, Acting)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,)	ACT, 28 U.S.C. § 2412(d)
17)	
18 Defendant.)	
19)	
20)	

21
 22 TO THE HONORABLE EDMUND F. BRENNAN, MAGISTRATE
 23 JUDGE OF THE DISTRICT COURT:

24 IT IS HEREBY STIPULATED, by and between the parties through their
 25 undersigned counsel, subject to the approval of the Court, that Richard Mitchener
 26 be awarded attorney fees in the amount of Three Thousand Nine Hundred dollars
 (\$3,900.00) 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 Richard Mitchener, the
2 government will consider the matter of Richard Mitchener's assignment of EAJA
3 fees to Laura E. Krank. 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 Richard Mitchener, but if the Department of
10 the Treasury determines that Richard Mitchener 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 Rohlfing & Kalagian, LLP, pursuant to the assignment
13 executed by Richard Mitchener.¹ Any payments made shall be delivered to Laura
14 E. Krank.

15 This stipulation constitutes a compromise settlement of Richard Mitchener'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 Richard
19 Mitchener and/or Laura E. Krank including Law Offices of Rohlfing & Kalagian,
20 LLP may have relating to EAJA attorney fees in connection with this action.

21 This award is without prejudice to the rights of Laura E. Krank and/or the
22 Law Offices of Rohlfing & Kalagian, LLP to seek Social Security Act attorney
23
24

25 ¹ 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 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
2 EAJA.

3 DATE: May 25, 2018

Respectfully submitted,

4 ROHLFING & KALAGIAN, LLP

5 */s/ Laura E. Krank*

6 BY: _____

Laura E. Krank

Attorney for plaintiff Richard Mitchener

8 DATED: May 25, 2018

MCGREGOR W. SCOTT

United States Attorney

10 */s/ Margaret I. Branick-Abilla*

11 MARGARET I. BRANICK-ABILLA

Special Assistant United States Attorney

Attorneys for Defendant NANCY A.

13 BERRYHILL, Acting Commissioner of Social
14 Security (Per e-mail authorization)

17 **ORDER**

18 Approved and so ordered.

19 DATED: June 25, 2018.

20 
EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE