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5 Attorneys for Plaintiff  
6 Debbie Wullenwaber

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

9  
10 DEBBIE WULLENWABER, ) No. 2:17-cv-00200-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 Defendant. ) PURSUANT TO THE EQUAL  
15 ) ACCESS TO JUSTICE ACT, 28 U.S.C.  
 ) § 2412(d) AND COSTS PURSUANT  
 ) TO 28 U.S.C. § 1920  
 )  
 )  
 )

16  
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 Debbie  
21 Wullenwaber be awarded attorney fees and expenses in the amount of THREE  
22 THOUSAND ONE HUNDRED dollars (\$3,100.00) under the Equal Access to  
23 Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920.  
24 This amount represents compensation for all legal services rendered on behalf of  
25 Plaintiff by counsel in connection with this civil action, in accordance with 28  
26 U.S.C. §§ 1920; 2412(d).

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

9           Fees shall be made payable to Debbie Wullenwaber, but if the Department  
10 of the Treasury determines that Debbie Wullenwaber does not owe a federal debt,  
11 then the government shall cause the payment of fees, expenses and costs to be  
12 made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment  
13 executed by Debbie Wullenwaber.<sup>1</sup> Any payments made shall be delivered to  
14 Steven G. Rosales.

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

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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.

1 This award is without prejudice to the rights of Steven G. Rosales 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: October 8, 2018

Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLRING

6 */s/ Steven G. Rosales*

7 BY: \_\_\_\_\_

Steven G. Rosales

8 Attorney for plaintiff Debbie Wullenwaber

9 DATED: October 30, 2018

10 NICOLA T. HANNA

United States Attorney

11 DAVID M. HARRIS

Assistant United States Attorney

Chief, Civil Division

12 CEDINA M. KIM

Assistant United States Attorney

13 Senior Litigation Counsel, Civil Division

14 */s/ Annabelle J. Yang*

15 \_\_\_\_\_  
ANNABELLE J. YANG

16 Special Assistant United States Attorney

17 Attorneys for Defendant Nancy A. Berryhill,

18 Acting Commissioner of Social Security

(Per e-mail authorization)

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ORDER

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

Dated: March 6, 2019



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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