

1 After the Court issues an order for EAJA fees to Pamela K. Wartner, the
2 government will consider the matter of Pamela K. Wartner's assignment of EAJA
3 fees to Brian C. Shapiro. 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 Pamela K. Wartner, but if the Department of
10 the Treasury determines that Pamela K. Wartner 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 Lawrence D. Rohlring, pursuant to the assignment
13 executed by Pamela K. Wartner.¹ Any payments made shall be delivered to Brian
14 C. Shapiro.

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

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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 This award is without prejudice to the rights of Brian C. Shapiro 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: November 19, 2018 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLRING

6 /s/ *Brian C. Shapiro*

7 BY: _____

Brian C. Shapiro
Attorney for plaintiff Pamela K. Wartner

9 DATE: November 19, 2018 MCGREGOR W. SCOTT

10 United States Attorney
11 EDWARD A. OLSEN
12 Assistant United States Attorney
13 Chief, Civil Division

14 /s/ *Carolyn B. Chen*

15 _____
CAROLYN B. CHEN
16 Special Assistant United States Attorney
17 Attorneys for Defendant NANCY A.
BERRYHILL, Acting Commissioner of Social
18 Security (Per e-mail authorization)

19 **ORDER**

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

20 Dated: November 26, 2018

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DEBORAH BARNES
23 UNITED STATES MAGISTRATE JUDGE

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25 DLB:6
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