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5 Attorneys for Plaintiff  
6 Darrell Curtis Sanders

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

9  
10 DARRELL CURTIS SANDERS, ) Case No.: 2:17-cv-00605-KJN  
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 )

18 TO THE HONORABLE KENDALL J. NEWMAN, MAGISTRATE  
19 JUDGE OF THE DISTRICT COURT:

20 IT IS HEREBY STIPULATED, by and between the parties through their  
21 undersigned counsel, subject to the approval of the Court, that Darrell Curtis  
22 Sanders be awarded attorney fees in the amount of Three Thousand Seven  
23 Hundred dollars (\$3,700.00) including expenses in the amount of seventeen dollars  
24 (\$17.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and  
25 costs in the amount of none dollars under 28 U.S.C. § 1920. This amount  
26 represents compensation for all legal services rendered on behalf of Plaintiff by

1 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;  
2 2412(d).

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

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

17       This stipulation constitutes a compromise settlement of Darrell Curtis  
18 Sanders's request for EAJA attorney fees, and does not constitute an admission of  
19 liability on the part of Defendant under the EAJA or otherwise. Payment of the  
20 agreed amount shall constitute a complete release from, and bar to, any and all  
21 claims that Darrell Curtis Sanders and/or Denise Bourgeois Haley including Law  
22 Offices of Lawrence D. Rohlfing may have relating to EAJA attorney fees in  
23 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 Denise Bourgeois Haley  
2 and/or the Law Offices of Lawrence D. Rohlring to seek Social Security Act  
3 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of  
4 the EAJA.

5 DATE: August 29, 2018

Respectfully submitted,

6 LAW OFFICES OF LAWRENCE D. ROHLRING

7 */s/ Denise Bourgeois Haley*

8 BY: \_\_\_\_\_

Denise Bourgeois Haley  
Attorney for plaintiff Darrell Curtis Sanders

9  
10 DATED: August 29, 2018

MCGREGOR W. SCOTT  
United States Attorney  
Deborah Lee Stachel  
Regional Chief Counsel, Region IX


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12  
13 */s/ Marcelo N. Illarmo*

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15 \_\_\_\_\_  
MARCELO N. ILLARMO  
Special Assistant United States Attorney  
Attorneys for Defendant NANCY A.  
BERRYHILL, Acting Commissioner of Social  
16 Security (Per e-mail authorization)  
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20 **ORDER**

21 APPROVED and SO ORDERED, except that the court makes no finding  
22 with respect to footnote 1 in the stipulation.  
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24 Dated: August 30, 2018

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE  
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