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5 Attorneys for Plaintiff
 6 Joshua Spagel

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

10	JOSHUA SPAGEL,)	Case No.: 2:17-cv-00839-AC
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) AND
)	COSTS PURSUANT TO 28 U.S.C. §
	Defendant.)	1920
)	
)	

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 18 TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF
 19 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 Joshua Spagel be
 22 awarded attorney fees and expenses in the amount of two thousand five hundred
 23 dollars (\$2,500.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
 24 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents
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1 compensation for all legal services rendered on behalf of Plaintiff by counsel in
2 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

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

11 Fees shall be made payable to Joshua Spagel, but if the Department of the
12 Treasury determines that Joshua Spagel does not owe a federal debt, then the
13 government shall cause the payment of fees, expenses and costs to be made
14 directly to Law Offices of Lawrence D. Rohlifing, pursuant to the assignment
15 executed by Joshua Spagel.¹ Any payments made shall be delivered to Cyrus Safa.

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

4 DATE: May 16, 2018

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Cyrus Safa

7 BY: _____

Cyrus Safa
Attorney for plaintiff Joshua Spagel

9 DATE: May 16, 2018

10 MCGREGOR W. SCOTT
United States Attorney

/s/ Jennifer A. Kenney

12 _____
13 JENNIFER A. KENNEY
14 Assistant United States Attorney
15 Attorneys for Defendant Nancy A. Berryhill,
16 Acting Commissioner of Social Security
17 (Per e-mail authorization)

18 **ORDER**

19 Approved and so ordered:

20 DATE: May 17, 2018

Allison Claire
21 _____
22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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