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Attorneys for Plaintiff
Nicolas Antonio Alvarado

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

NICOLAS ANTONIO ALVARADO,)	Case No. 2:17-cv-01519 CKD
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
vs.)	ATTORNEY FEES AND EXPENSES
NANCY A. BERRYHILL, DEPUTY)	PURSUANT TO THE EQUAL
COMMISSIONER FOR)	ACCESS TO JUSTICE ACT, 28 U.S.C.
OPERATIONS,)	§ 2412(d) AND COSTS PURSUANT
PERFORMING THE DUTIES AND)	TO 28 U.S.C. § 1920
FUNCTIONS NOT RESERVED)	
TO THE COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	
Defendant.)	

TO THE HONORABLE CAROLYN K. DELANEY, MAGISTRATE
JUDGE OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Nicolas Antonio Alvarado be awarded attorney fees and expenses in the amount of Two Thousand Nine Hundred dollars (\$2,900.00) 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).

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

Fees shall be made payable to Nicolas Antonio Alvarado, but if the Department of the Treasury determines that Nicolas Antonio Alvarado does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Law Offices of Lawrence D. Rohlring, pursuant to the assignment executed by Nicolas Antonio Alvarado.¹ Any payments made shall be delivered to Denise Bourgeois Haley.

This stipulation constitutes a compromise settlement of Nicolas Antonio Alvarado's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Nicolas Antonio Alvarado and/or Denise Bourgeois Haley including Law Offices of Lawrence D. Rohlring may have relating to EAJA attorney fees in connection with this action.

¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien under federal law against the recovery of EAJA fees that survives the Treasury Offset Program.

This award is without prejudice to the rights of Denise Bourgeois Haley and/or the Law Offices of Lawrence D. Rohlring to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: April 3, 2018

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLRING

/s/ Denise Bourgeois Haley

BY: _____

Denise Bourgeois Haley
Attorney for plaintiff Nicolas Antonio Alvarado

DATED: April 6, 2018

McGREGOR W. SCOTT
United States Attorney

/s/ Francesco Benavides

FRANCESCO BENAVIDES
Special Assistant United States Attorney
Attorneys for Defendant NANCY A.
BERRYHILL, Acting Commissioner of Social
Security (Per e-mail authorization)

ORDER

Approved and so ordered.

Dated: April 12, 2018

Carolyn K. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE