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 6 Attorneys for Plaintiff  
 Deborah Ann Nolen

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

<p>14 DEBORAH ANN NOLEN,</p> <p>15                   Plaintiff,</p> <p>16           vs.</p> <p>17 NANCY A. BERRYHILL, Acting</p> <p>18 Commissioner of Social Security,</p> <p>19                   Defendant.</p>	<p>) Case No.: 2:17-cv-02505-AC</p> <p>)</p> <p>) <b>STIPULATION AND PROPOSED</b></p> <p>) <b>ORDER FOR THE AWARD AND</b></p> <p>) <b>PAYMENT OF ATTORNEY FEES</b></p> <p>) <b>AND EXPENSES PURSUANT TO</b></p> <p>) <b>THE EQUAL ACCESS TO JUSTICE</b></p> <p>) <b>ACT, 28 U.S.C. § 2412(d) AND</b></p> <p>) <b>COSTS PURSUANT TO 28 U.S.C. §</b></p> <p>) <b>1920</b></p> <p>)</p>
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21           TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF

22 THE DISTRICT COURT:

23           IT IS HEREBY STIPULATED by and between the parties through their

24 undersigned counsel, subject to the approval of the Court, that Deborah Ann Nolen

25 be awarded attorney fees and expenses in the amount of three thousand seven

26 hundred dollars (\$3,700.00) under the Equal Access to Justice Act (EAJA), 28

1 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents  
2 compensation for all legal services rendered on behalf of Plaintiff by counsel in  
3 connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

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

12 Fees shall be made payable to Deborah Ann Nolen, but if the Department of  
13 the Treasury determines that Deborah Ann Nolen does not owe a federal debt, then  
14 the government shall cause the payment of fees, expenses and costs to be made  
15 directly to Law Offices of Lawrence D. Rohlring, pursuant to the assignment  
16 executed by Deborah Ann Nolen.<sup>1</sup> Any payments made shall be delivered to  
17 Young Cho.

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

3 This award is without prejudice to the rights of Young Cho and/or the Law  
4 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under  
5 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: July 17, 2018

Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLFING

8 */s/ Young Cho*

9 BY: \_\_\_\_\_

Young Cho

Attorney for plaintiff Deborah Ann Nolen

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11 DATE: July 17, 2018

McGREGOR W. SCOTT

United States Attorney

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*/s/ Ellinor Coder*

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ELLINOR CODER

Special Assistant United States Attorney

Attorneys for Defendant Nancy A. Berryhill,

Acting Commissioner of Social Security

(Per e-mail authorization)

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**ORDER**

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Approved and so ordered:

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DATE: July 18, 2018

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*Allison Claire*

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ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE

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