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Attorneys for Plaintiff
Ira Morgan Allen

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

IRA MORGAN ALLEN,)	Case No.: 2:18-cv-00059-CMK
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	THE AWARD AND PAYMENT OF
vs.)	ATTORNEY FEES AND EXPENSES
)	PURSUANT TO THE EQUAL
NANCY A. BERRYHILL, Acting)	ACCESS TO JUSTICE ACT, 28 U.S.C.
Commissioner of Social Security,)	§ 2412(d) AND COSTS PURSUANT
)	TO 28 U.S.C. § 1920
Defendant.)	
)	
)	
)	

TO THE HONORABLE DENNIS M. COTA, 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 Ira Morgan Allen be awarded attorney fees in the amount of two thousand four hundred dollars (\$2,400.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. 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 Ira Morgan Allen, the government will consider the matter of Ira Morgan Allen's assignment of EAJA fees to Cyrus Safa. 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 Ira Morgan Allen, but if the Department of the Treasury determines that Ira Morgan Allen 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 Ira Morgan Allen.¹ Any payments made shall be delivered to Cyrus Safa.

This stipulation constitutes a compromise settlement of Ira Morgan Allen'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 Ira Morgan Allen and/or Cyrus Safa including Law Offices of Lawrence D. Rohlring may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Cyrus Safa and/or the Law

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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.

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: January 23, 2019

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLRING

/s/ Cyrus Safa

BY: _____

Cyrus Safa

Attorney for plaintiff Ira Morgan Allen

DATED: January 23, 2019

MCGREGOR W. SCOTT
United States Attorney

/s/ Carol S. Clark

CAROL S. CLARK

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: January 30, 2019



DENNIS M. COTA

U.S. MAGISTRATE JUDGE