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5 Attorneys for Plaintiff  
 6 Teresa Samoy

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

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 10 TERESA SAMOY, ) Case No.: 2:18-cv-00538-EFB  
 11 )  
 Plaintiff, )  
 12 ) STIPULATION AND PROPOSED  
 vs. ) ORDER FOR THE AWARD AND  
 13 ) PAYMENT OF ATTORNEY FEES  
 AND EXPENSES PURSUANT TO  
 14 ) THE EQUAL ACCESS TO JUSTICE  
 ANDREW SAUL, ) ACT, 28 U.S.C. § 2412(d) AND  
 Commissioner of Social Security, ) COSTS PURSUANT TO 28 U.S.C. §  
 15 ) 1920  
 Defendant. )  
 16 )

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 18 TO THE HONORABLE EDMUND F. BRENNAN, 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 Teresa Samoy be  
 22 awarded attorney fees in the amount of three thousand ninety-eight dollars and  
 23 sixty-one cents dollars (\$3,098.61) under the Equal Access to Justice Act (EAJA),  
 24 28 U.S.C. § 2412(d), 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 Teresa Samoy, the  
4 government will consider the matter of Teresa Samoy'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  
9 Program. After the order for EAJA fees is entered, the government will determine  
10 whether they are subject to any offset.

11 Fees shall be made payable to Teresa Samoy, but if the Department of the  
12 Treasury determines that Teresa Samoy 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 Teresa Samoy.<sup>1</sup> Any payments made shall be delivered to Cyrus Safa.

16 This stipulation constitutes a compromise settlement of Teresa Samoy'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 Teresa  
20 Samoy 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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<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 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: December 16, 2019 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLFING

6 /s/ *Cyrus Safa*

7 BY: \_\_\_\_\_

8 Cyrus Safa  
Attorney for plaintiff Teresa Samoy

9 DATED: December 16, 2019

10 McGREGOR W. SCOTT  
United States Attorney

11 /s/ *Ellinor Coder*

12 \_\_\_\_\_  
13 ELLINOR CODER  
14 Special Assistant United States Attorney  
15 Attorneys for Defendant  
16 ANDREW SAUL, Commissioner of Social  
17 Security (Per e-mail authorization)

18 **ORDER**

19 Approved and so ordered.

20 DATED: December 18, 2019

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22 EDMUND F. BRENNAN  
23 UNITED STATES MAGISTRATE JUDGE  
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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of December 17, 2019, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Teresa Samoy  
1560 W. Harding Way  
Stockton, CA 95203

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Cyrus Safa \_\_\_\_\_  
TYPE OR PRINT NAME

*/s/ Cyrus Safa* \_\_\_\_\_  
SIGNATURE

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**CERTIFICATE OF SERVICE  
FOR CASE NUMBER 2:18-CV-00538-EFB**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on December 17, 2019.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

*/s/ Cyrus Safa*

\_\_\_\_\_  
Cyrus Safa  
Attorneys for Plaintiff