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5 Attorneys for Plaintiff
 6 Tonie M. Pugh

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

11	TONIE M. PUGH,)	Case No.: 2:18-cv-01607-KJN
12	Plaintiff,)	
13	vs.)	STIPULATION AND ORDER FOR
14	ANDREW SAUL,)	THE AWARD AND PAYMENT OF
15	Commissioner of Social Security,)	ATTORNEY FEES AND EXPENSES
16	Defendant.)	PURSUANT TO THE EQUAL
17)	ACCESS TO JUSTICE ACT, 28 U.S.C.
)	§ 2412(d) AND COSTS PURSUANT
)	TO 28 U.S.C. § 1920

18 TO THE HONORABLE KENDALL J. NEWMAN, 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 Tonie M. Pugh be
 22 awarded attorney fees and expenses in the amount of three thousand eight hundred
 23 dollars (\$3,800.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. §
 24 2412(d), and costs in the amount of four hundred dollars (\$400.00) under 28
 25 U.S.C. § 1920. This amount represents compensation for all legal services
 26

1 rendered on behalf of Plaintiff by counsel in connection with this civil action, in
2 accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Tonie M. Pugh, the
4 government will consider the matter of Tonie M. Pugh's assignment of EAJA fees
5 to Lawrence D. Rohlfig. The retainer agreement containing the assignment is
6 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521, 2529 (2010),
7 the ability to honor the assignment will depend on whether the fees are subject to
8 any offset 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 Tonie M. Pugh, but if the Department of the
12 Treasury determines that Tonie M. Pugh 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. Rohlfig, pursuant to the assignment
15 executed by Tonie M. Pugh.¹ Any payments made shall be delivered to Lawrence
16 D. Rohlfig.

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

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 Lawrence D. Rohlifing and/or
2 the Law Offices of Lawrence D. Rohlifing to seek Social Security Act attorney fees
3 under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

4 DATE: September 27, 2019 Respectfully submitted,

5 LAW OFFICES OF LAWRENCE D. ROHLFING

6 /s/ *Lawrence D. Rohlifing*

7 BY: _____

8 Lawrence D. Rohlifing
Attorney for plaintiff Tonie M. Pugh

9 DATED: September 27, 2019 MCGREGOR W. SCOTT
10 United States Attorney

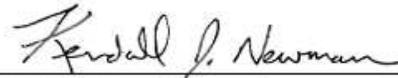
11 /s/ *Ellinor Coder*

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

18 **ORDER**

19 Approved and so ordered:

20 Dated: October 7, 2019

21 

22 _____
KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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