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5 Attorneys for Plaintiff  
 6 Jerome W. Peppmuller

7 **UNITED STATES DISTRICT COURT**  
 8 **DISTRICT OF NEVADA**

9  
 10 JEROME W. PEPPMUELLER, ) Case No.: 2:20-cv-01694-EJY  
 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 )

17 TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE  
 18 OF THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED, by and between the parties through their  
 20 undersigned counsel, subject to the approval of the Court, that Jerome W.  
 21 Peppmuller be awarded attorney fees in the amount of Three Thousand One  
 22 Hundred dollars (\$3,100.00) under the Equal Access to Justice Act (EAJA), 28  
 23 U.S.C. § 2412(d). This amount represents compensation for all legal services  
 24 rendered on behalf of Plaintiff by counsel in connection with this civil action, in  
 25 accordance with 28 U.S.C. §§ 1920; 2412(d).  
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1           After the Court issues an order for EAJA fees to Jerome W. Pepmueller, the  
2 government will consider the matter of Jerome W. Pepmueller's assignment of  
3 EAJA fees to Marc V. Kalagian. The retainer agreement containing the  
4 assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,  
5 2529 (2010), the ability to honor the assignment will depend on whether the fees  
6 are subject to any offset allowed under the United States Department of the  
7 Treasury's Offset Program. After the order for EAJA fees is entered, the  
8 government will determine whether they are subject to any offset.

9           Fees shall be made payable to Jerome W. Pepmueller, but if the Department  
10 of the Treasury determines that Jerome W. Pepmueller does not owe a federal debt,  
11 then the government shall cause the payment of fees, expenses and costs to be  
12 made directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the  
13 assignment executed by Jerome W. Pepmueller.<sup>1</sup> Any payments made shall be  
14 delivered to Marc V. Kalagian.

15           This stipulation constitutes a compromise settlement of Jerome W.  
16 Pepmueller's request for EAJA attorney fees, and does not constitute an admission  
17 of liability on the part of Defendant under the EAJA or otherwise. Payment of the  
18 agreed amount shall constitute a complete release from, and bar to, any and all  
19 claims that Jerome W. Pepmueller and/or Marc V. Kalagian including Law Offices  
20 of Rohlfing & Kalagian, LLP may have relating to EAJA attorney fees in  
21 connection with this action.

22           This award is without prejudice to the rights of Marc V. Kalagian and/or the  
23 Law Offices of Rohlfing & Kalagian, LLP to seek Social Security Act attorney  
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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 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the  
2 EAJA.

3 DATE: June 3, 2021

Respectfully submitted,

4 ROHLFING & KALAGIAN, LLP

5 */s/ Marc V. Kalagian*

6 BY: \_\_\_\_\_

Marc V. Kalagian  
Attorney for plaintiff  
7 JEROME W. PEPMUELLER

8  
9 DATED: June 3, 2021

NICHOLAS A. TRUTANICH  
United States Attorney

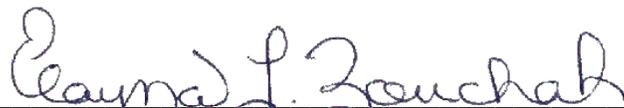
10  
11 */s/ Marcelo N. Illarmo*

12 \_\_\_\_\_  
MARCELO N. ILLARMO  
Special Assistant United States Attorney  
Attorneys for Defendant  
13 ANDREW SAUL, Commissioner of Social  
14 Security (Per e-mail authorization)

15  
16 **ORDER**

17 Approved and so ordered:

18 DATE: June 3, 2021.

19  
20   
21 \_\_\_\_\_  
THE HONORABLE ELAYNA J. YOUCHAH  
22 UNITED STATES MAGISTRATE JUDGE  
23  
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25  
26