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Attorneys for Plaintiff
Susan M Taylor

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SUSAN M TAYLOR,)	Case No.: 2:13-cv-01260-JCM-CWH
)	
Plaintiff,)	STIPULATION FOR THE AWARD
)	AND PAYMENT OF ATTORNEY
vs.)	FEES PURSUANT TO THE EQUAL
)	ACCESS TO JUSTICE ACT, 28 U.S.C.
CAROLYN W. COLVIN, Acting)	§ 2412(d)
Commissioner of Social Security,)	
)	
Defendant.)	
)	
)	

TO THE HONORABLE CARL W. HOFFMAN, 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 Susan M Taylor be awarded attorney fees in the amount of Two Thousand dollars (\$2,000.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). 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).

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

9 Fees shall be made payable to Susan M Taylor, but if the Department of the
10 Treasury determines that Susan M Taylor does not owe a federal debt, then the
11 government shall cause the payment of fees, expenses and costs to be made
12 directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the assignment
13 executed by Susan M Taylor. *United States v. \$186,416.00*, 722 F.3d 1173, 1176
14 (9th Cir. 2013) (*\$186,416.00 II*) (ordering fees paid to counsel because of an
15 assignment that did not interfere with a raised superior lien).¹ Any payments made
16 shall be delivered to Marc V. Kalagian.

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18 ¹ The Commissioner does not stipulate to the citation of *\$186,416.00 II*, and will
19 not participate in representing to this Court that it carries legal import in these
20 proceedings. *\$186,416 II* involved a different statute and very different factual
21 circumstances than those presented here, or in other Social Security cases.
22 Because the parties have agreed to the payment of EAJA fees, and the amount, and
23 to avoid motion practice solely related to Plaintiff's citation, the Commissioner
24 agrees to this stipulation. The Commissioner reserves the right to challenge the
25 applicability of \$186,416 to any Social Security case, and this Stipulation should
26 not be construed as a waiver of such reservation.

Susan M. Taylor contends that *U.S. v. \$186,416.00 in U.S. Currency*, 642 F.3d
753, 757 (9th Cir. 2011) (*\$186,416.00 I*) held that there is no functional difference
between the CAFRA and EAJA in terms of "ownership" of the fee.

1 This stipulation constitutes a compromise settlement of Susan M Taylor's
2 request for EAJA attorney fees, and does not constitute an admission of liability on
3 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
4 shall constitute a complete release from, and bar to, any and all claims that Susan
5 M Taylor and/or Marc V. Kalagian including Law Offices of Rohlfing & Kalagian,
6 LLP may have relating to EAJA attorney fees in connection with this action.

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

11 DATE: March 4, 2014

Respectfully submitted,

12 ROHLFING & KALAGIAN, LLP

13 /s/ *Marc V. Kalagian*

14 BY: _____

Marc V. Kalagian
Attorney for plaintiff Susan M Taylor

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16 DATED: March 4, 2014

Daniel G. Bogden
United States Attorney

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19
20 /s/ *Michael K. Marriott*

21 BY: _____

Michael K. Marriott
Special Assistant United States Attorney
Attorneys for Defendant Carolyn W. Colvin,
Acting Commissioner of Social Security
(Per e-mail authorization)

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:13-CV-01260-JCM-CWH**

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 March 4, 2014.

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/ Marc V. Kalagian

Marc V. Kalagian
Attorneys for Plaintiff

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Susan M Taylor

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUSAN M TAYLOR,
Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,
Defendant

) Case No.: 2:13-cv-01260-JCM-CWH
)
) **ORDER AWARDING**
) **EQUAL ACCESS TO JUSTICE ACT**
) **ATTORNEY FEES PURSUANT TO**
) **28 U.S.C. § 2412(d)**

Based upon the parties' Stipulation for the Award and Payment of Equal
Access to Justice Act Fees, Costs, and Expenses:

IT IS ORDERED that fees in the amount of \$2,000.00 as authorized by 28
U.S.C. § 2412, be awarded subject to the terms of the Stipulation.

DATE: July 15, 2014.


UNITED STATES DISTRICT JUDGE