

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Patrick Ralph Riberal v. Frank Bisignano, Commissioner of Social
Security

Riberal · No. 2:24-cv-03349-AC · Decided May 14, 2025

SUMMARY

The document is a stipulation and proposed order in Patrick Ralph Riberal’s Social Security action seeking attorney fees and expenses under the Equal Access to Justice Act and costs under 28 U.S.C. § 1920. The parties agreed to an EAJA award of \$5,100.00 and costs of \$0.00, subject to Treasury offset procedures, and the court approved the stipulation on May 14, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
DECIDED	May 14, 2025
DOCKET	2:24-cv-03349-AC
DISPOSITION	approved
PROCEDURAL POSTURE	The parties submitted a stipulation and proposed order resolving Plaintiff's request for attorney fees and expenses under the Equal Access to Justice Act and costs under 28 U.S.C. § 1920. The magistrate judge approved and ordered the stipulated award.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Patrick Ralph Riberal v. Frank Bisignano, Commissioner of Social Security

TOPICS

- attorney fees
- costs
- administrative law
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- costs

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation awarding \$5,100.00 in attorney fees and expenses under the Equal Access to Justice Act and \$0.00 in costs under 28 U.S.C. § 1920.
2. Whether payment of the stipulated EAJA award should be subject to Treasury offset procedures and the assignment provisions described in the stipulation.

FACTUAL BACKGROUND

Riberal was the plaintiff in a civil action involving Social Security benefits. His counsel and the government stipulated to an award of \$5,100.00 under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and \$0.00 in costs under 28 U.S.C. § 1920. The stipulated payment was to be made to Riberal, subject to any federal-debt offset, with direct payment to counsel only if the Treasury Department determined that Riberal owed no federal debt and pursuant to his assignment.

PROCEDURAL HISTORY

Patrick Ralph Riberal brought a civil action concerning Social Security benefits in the Eastern District of California. Following the action, the parties stipulated to an EAJA award of \$5,100.00 in attorney fees and expenses and \$0.00 in costs, subject to Treasury offset procedures and the conditions stated in the stipulation. The court approved the stipulation on May 14, 2025.

DISPOSITION

approved

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521 (2010)

OPINION

1 Young Cho Attorney at Law: 189870 2 Law Offices of Lawrence D. Rohlfing, Inc., CPC 12631
East Imperial Highway Suite C-115 3 Santa Fe Springs, CA 90670 Tel.: (562) 868-5886 4 Fax:
(562) 868-8868 E-mail: rohlfig.office@rohlfiglaw.com 5 Attorneys for Plaintiff 6 Patrick Ralph
Riberal 7 8 9 UNITED STATES DISTRICT COURT 10 EASTERN DISTRICT OF
CALIFORNIA 11 12 13 PATRICK RALPH RIBERAL,) Case No.: 2:24-cv-03349-AC) 14
Plaintiff,) STIPULATION AND PROPOSED) ORDER FOR THE AWARD AND 15 vs.)
PAYMENT OF ATTORNEY FEES) AND EXPENSES PURSUANT TO 16 FRANK
BISIGNANO,1) THE EQUAL ACCESS TO JUSTICE Commissioner of Social Security,) ACT,
28 U.S.C. § 2412(d) AND 17) COSTS PURSUANT TO 28 U.S.C. § Defendant.) 1920 18)) 19
20 TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF 21 THE DISTRICT
COURT: 22 IT IS HEREBY STIPULATED, by and between the parties through their 23
undersigned counsel, subject to the approval of the Court, that Patrick Ralph 24 25 1 Frank

Bisignano, the new Commissioner of Social Security, should be substituted as the defendant in this suit per F.R.C.P.

Rule 25(d). No further action 26 1 Riberal ("Riberal") be awarded attorney fees and expenses in the amount of five 2 thousand one hundred dollars (\$5,100.00) under the Equal Access to Justice Act 3 (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of zero dollars (\$0.00) under 4 28 U.S.C. § 1920. This amount represents compensation for all legal services 5 rendered on behalf of Plaintiff by counsel in connection with this civil action, in 6 accordance with 28 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Riberal, the government 8 will consider the matter of Riberal's assignment of EAJA fees to Young Cho. The 9 retainer agreement containing the assignment is attached as exhibit 1. Pursuant to 10 Astrue v. Ratliff, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment 11 will depend on whether the fees are subject to any offset allowed under the United 12 States Department of the Treasury's Offset Program.

After the order for EAJA fees 13 is entered, the government will determine whether they are subject to any offset. 14 Fees shall be made payable to Riberal, but if the Department of the Treasury 15 determines that Riberal does not owe a federal debt, then the government shall 16 cause the payment of fees, expenses and costs to be made directly to Law Offices 17 of Lawrence D. Rohlfig, Inc., CPC, pursuant to the assignment executed by 18 Riberal.2 Any payments may be made by check or electronic fund transfer (EFT) 19 and shall be delivered to the Law offices of Lawrence D. Rohlfig, Inc. 20 This stipulation constitutes a compromise settlement of Riberal's request for 21 EAJA attorney fees, and does not constitute an admission of liability on the part of 22 Defendant under the EAJA or otherwise.

Payment of the agreed amount shall 23 constitute a complete release from, and bar to, any and all claims that Riberal 24 25 2 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 26 1 and/or Young Cho including Law Offices of Lawrence D. Rohlfig, Inc., CPC may 2 have relating to EAJA attorney fees in connection with this action.

3 This award is without prejudice to the rights of Young Cho and/or the Law 4 Offices of Lawrence D. Rohlfig, Inc., CPC to seek Social Security Act attorney 5 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the 6 EAJA. 7 DATE: May 12, 2025 Respectfully submitted, 8 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC 9 /s/ Young Cho3 BY: _____ 10 Young Cho Attorney for plaintiff Patrick Ralph Riberal 11 12 DATED: May 12, 2025 MICHELE BECKWITH 13 Acting United States Attorney 14 MATHEW W. PILE Associate General Counsel 15 Social Security Administration 16 /s/ Lori A. Lookliss 17 18 LORI A. LOOKLISS Special Assistant United States Attorney 19 Attorneys for Defendant FRANK BISIGNANO, Commissioner of Social 20 Security (Per e-mail

authorization) 21 22 23 24 25 3 Counsel for the plaintiff attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the 26 1 ORDER 2 Approved and so ordered: 3 || DATE: May 14, 2025. ~ 4 Ctlhter— Lane ALLISON CLAIRE 5 UNITED STATES MAGISTRATE JUDGE 7 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 1 DECLARATION OF YOUNG CHO 2 I, Young Cho, declare as follows: 3 1.

I am an attorney at law duly admitted to practice before this Court in this 4 case. I represent Patrick Ralph Riberal in this action. I make this 5 declaration of my own knowledge and belief. 6 2. I attach as exhibit 1 a true and correct copy of the itemization of time in 7 this matter. 8 3. I attach as exhibit 2 a true and correct copy of the retainer agreement with 9 Patrick Ralph Riberal containing an assignment of the EAJA fees.

10 I declare under penalty of perjury that the foregoing is true and correct to the 11 best of my knowledge and belief. 12 Executed this May 12, 2025, at Santa Fe Springs, California. 13 14 /s/ Young Cho 15 _____ Young Cho 16 17 18 19 20 21 22 23 24 25 26 1 PROOF OF SERVICE 2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES 3 I am employed in the county of Los Angeles, State of California.

I am over 4 the age of 18 and not a party to the within action. My business address is 12631 5 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670. 6 On this day of May 12, 2025, I served the foregoing document described as 7 STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES 8 AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 9 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the 10 interested parties in this action by placing a true copy thereof enclosed in a sealed 11 envelope addressed as follows: 12 Mr. Patrick Ralph Riberal 3442 Mary Avenue 13 Stockton, CA 95206 14 I caused such envelope with postage thereon fully prepaid to be placed in the 15 United States mail at Santa Fe Springs, California.

16 I declare under penalty of perjury under the laws of the State of California 17 that the above is true and correct. 18 I declare that I am employed in the office of a member of this court at whose 19 direction the service was made. 20 Young Cho ____ /s/ Young Cho_____ 21 TYPE OR PRINT NAME SIGNATURE 22 23 24 25 26 1 CERTIFICATE OF SERVICE FOR CASE NUMBER 2:24-CV-03349-AC 2 I hereby certify that I electronically filed the foregoing with the Clerk of the 3 4 Court for this court by using the CM/ECF system on May 12, 2025.

5 I certify that all participants in the case are registered CM/ECF users and 6 that service will be accomplished by the CM/ECF system, except the plaintiff 7 served herewith by mail. 8 9 /s/ Young Cho _____ 10 Young Cho 11 Attorneys for Plaintiff 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

