

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Melissa Jane Collins Cooper v. Kilolo Kijakazi, Acting Commissioner
of Social Security**

Cooper v. Kijakazi · No. 1:22-cv-01140-SKO · Decided March 8, 2023

SUMMARY

The United States District Court for the Eastern District of California approved the parties' stipulation awarding Plaintiff Melissa Jane Collins Cooper \$1,300 in attorney fees and expenses under the Equal Access to Justice Act. The court awarded no costs under 28 U.S.C. § 1920 and made the award subject to the stipulation's provisions concerning Treasury offsets and payment pursuant to an assignment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 8, 2023
DOCKET	1:22-cv-01140-SKO
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted a stipulation and unopposed motion requesting an award of attorney fees and expenses under the Equal Access to Justice Act and no costs under 28 U.S.C. § 1920.
PRECEDENTIAL VALUE	unpublished

TOPICS

[attorney fees](#) [costs](#) [administrative law](#) [remedies](#) [civil procedure](#)

PRACTICE AREAS

[Social Security](#) [attorney fees](#) [federal civil procedure](#)

QUESTIONS PRESENTED

1. Whether the court should approve the parties' stipulation and award \$1,300 in attorney fees and expenses under the Equal Access to Justice Act.

2. Whether costs should be awarded under 28 U.S.C. § 1920.

HOLDINGS

1. The court approved the stipulation and awarded Cooper \$1,300 in attorney fees and expenses under 28 U.S.C. § 2412, subject to the terms of the stipulation.
2. No costs were awarded under 28 U.S.C. § 1920.

KEY QUOTATIONS

“IT IS ORDERED that fees and expenses in the amount of \$1,300.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation and Unopposed Motion.”
(Order)

FACTUAL BACKGROUND

Melissa Jane Collins Cooper sought attorney fees and expenses under the Equal Access to Justice Act in connection with this Social Security action. The parties agreed to a \$1,300 award, with no costs under 28 U.S.C. § 1920. The stipulation addressed payment to Cooper, possible direct payment to counsel under an assignment, and potential Treasury offset for federal debt.

PROCEDURAL HISTORY

After the civil action, the parties stipulated to an award of \$1,300 in EAJA fees and expenses. The court approved the stipulation and ordered the award, subject to the stipulation's terms, while denying costs under 28 U.S.C. § 1920.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521, 2529 (2010)

OPINION

(SS) Cooper v. Commissioner of Social Security

PER CURIAM.

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: rohlfling.office@rohlflinglaw.com 5 Attorneys for Plaintiff 6 Melissa Jane
Collins Cooper 7 8 9

10 UNITED STATES DISTRICT COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 13 MELISSA JANE COLLINS COOPER,) Case No.: 1:22-cv-01140-SKO) 14 Plaintiff,)

ORDER GRANTING STIPULATION

) AND UNOPPOSED MOTION FOR

15 vs.) THE AWARD AND PAYMENT OF

) ATTORNEY FEES AND EXPENSES

16 KILOLO KIJAKAZI,) PURSUANT TO THE EQUAL

Acting Commissioner of Social) ACCESS TO JUSTICE ACT, 28 U.S.C. 17 Security,) § 2412(d)
AND COSTS PURSUANT

) TO 28 U.S.C. § 1920

18 Defendant.)) (Doc. 18) 19

20 TO THE HONORABLE SHEILA OBERTO, 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 Melissa Jane
Collins 24 Cooper be awarded attorney fees and expenses in the amount of one thousand three 25
hundred dollars (\$1,300.00) under the Equal Access to Justice Act (EAJA), 28 26 U.S.C. §
2412(d), and no costs under 28 U.S.C. § 1920. This amount represents 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
Cooper, the government 4 will consider the matter of Cooper's assignment of EAJA fees to Young
Cho. The 5 retainer agreement containing the assignment is attached as exhibit 1. Pursuant to 6
Astrue v. Ratliff, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment 7 will depend
on whether the fees are subject to any offset allowed under the United 8 States Department of the
Treasury's Offset Program. After the order for EAJA fees 9 is entered, the government will
determine whether they are subject to any offset. 10 Fees shall be made payable to Cooper, but if
the Department of the Treasury 11 determines that Cooper does not owe a federal debt, then the
government shall 12 cause the payment of fees, expenses and costs to be made directly to Law
Offices 13 of Lawrence D. Rohlffing, Inc., CPC, pursuant to the assignment executed by 14
Cooper.1 Any payments made shall be delivered to Young Cho. 15 This stipulation constitutes a
compromise settlement of Melissa Jane 16 Collins Cooper's request for EAJA attorney fees, and
does not constitute an 17 admission of liability on the part of Defendant under the EAJA or 18
otherwise. Payment of the agreed amount shall constitute a complete release from, 19 and bar to,
any and all claims that Cooper and/or Young Cho including Law 20 Offices of Lawrence D.
Rohlffing, Inc., CPC may have relating to EAJA attorney 21 fees in connection with this action. 22
This award is without prejudice to the rights of Young Cho and/or the Law 23 Offices of Lawrence
D. Rohlffing, Inc., CPC to seek Social Security Act attorney 24 25 1 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 fees under 42 U.S.C. § 406(b), subject to the savings
clause provisions of the 2 EAJA. 3 DATE: March 7, 2023 Respectfully submitted,

4 LAW OFFICES OF LAWRENCE D. ROHLFFING, INC., CPC

5 /s/ Young Cho BY: _____ 6 Young Cho Attorney for plaintiff Melissa
Jane Collins Cooper 7 8 DATE: March 7, 2023 PHILLIP A. TALBERT 9 United States Attorney
MATHEW W. PILE
10 Associate General Counsel Office of Program Litigation, Office 7 11 Social Security
Administration 12 /s/ Mary Tsai 13
14 MARY TSAI
Special Assistant United States 15 Attorney Attorneys for Defendant KILOLO KIJAKAZI, 16
Acting Commissioner of Social Security (Per e-mail authorization) 17
18 ORDER
19 Based upon the foregoing Stipulation and Unopposed Motion for the Award 20 and Payment of
Equal Access to Justice Act Fees, Costs, and Expenses (Doc. 18), 21 IT IS ORDERED that fees
and expenses in the amount of \$1,300.00 as 22 authorized by 28 U.S.C. § 2412, and no costs under
28 U.S.C. § 1920, be awarded 23 subject to the terms of the Stipulation and Unopposed Motion.
24 IT IS SO ORDERED. 25 Dated: March 8, 2023 /s/ Sheila K. Oberto . 26 1 2 3 4 5 6 7 8 9 10 11
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