

1 ROSEN, BIEN & GALVAN, LLP  
2 MICHAEL W. BIEN, Bar No. 96891  
3 ERNEST GALVAN, Bar No. 196065  
4 JANE E. KAHN, Bar No. 112239  
5 AMY WHELAN, Bar No. 215675  
315 Montgomery Street, 10th Floor  
San Francisco, California 94104  
Telephone: (415) 433-6830

6 BINGHAM, McCUTCHEON, LLP  
7 WARREN E. GEORGE, Bar No. 53588  
Three Embarcadero Center  
8 San Francisco, California 94111  
Telephone: (415) 393-2000

9 THE LEGAL AID SOCIETY –  
10 EMPLOYMENT LAW CENTER  
11 CLAUDIA CENTER, Bar No. 158255  
600 Harrison Street, Suite 120  
San Francisco, CA 94107  
12 Telephone: (415) 864-8848

13 Attorneys for Plaintiffs

14  
15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17  
18 RALPH COLEMAN, et al.,

Case No. CIV S 90-520 LKK-JFM

19 Plaintiffs,

20 v.  
21  
22 ARNOLD SCHWARZENEGGER, et al.,  
23 Defendants.  
24  
25  
26  
27  
28

**STIPULATION AND ORDER TO STAY  
PLAINTIFFS' MOTION TO COMPEL  
PAYMENT OF REASONABLE  
PARALEGAL FEES FOR WORK  
PERFORMED DURING 2009 UNTIL THE  
RESOLUTION OF *PEREZ V. CATE*  
APPEAL NO. 09-17185**

**STIPULATION TO STAY PLAINTIFFS' MOTION TO COMPEL  
PAYMENT OF REASONABLE PARALEGAL FEES FOR WORK  
PERFORMED DURING 2009 UNTIL THE RESOLUTION OF *PEREZ V.  
CATE* APPEAL NO. 09-17185**

Plaintiffs and Defendants STIPULATE as follows:

5       1. Pursuant to the *Coleman* Periodic Fees Order, “Plaintiffs will file a yearly motion  
6 to compel payment of disputed items, if necessary, not later than sixty (60) days after the parties  
7 meet and confer with respect to the statement covering the fourth quarter of each year.” March  
8 19, 1996 Stipulation and Order for Periodic Collection of Attorneys’ Fees and Costs (attached as  
9 Appendix A). The parties have already stipulated to stay all attorneys’ fees, costs and expense  
10 matters related to the Three-Judge Panel and related appeals until October 1, 2010. *Coleman*  
11 Docket 3801. The only remaining, disputed issues from 2009 are: (1) Defendants’ refusal to pay  
12 for any work performed by staff who are not “paralegals” as defined by California Business &  
13 Professions Code § 6450, and; (2) Defendants’ refusal to pay more than \$135 per hour or \$82.50  
14 per hour for paralegal work on the case.

15       2. Plaintiffs' counsel will file a motion to compel regarding the first issue identified  
16 above. By this stipulation, however, the parties agree to extend the briefing and argument  
17 schedule for Plaintiffs' motion to compel as follows: Plaintiffs' motion will be due by July 5,  
18 2010; Defendants' opposition to the motion will be due by August 2, 2010; Plaintiffs' reply brief  
19 will be due by August 16, 2010, and the hearing date for the motion will be set for August 23,  
20 2010.

21       3.     With respect to the second issue, Defendants' refusal to pay more than \$135 per  
22 hour or \$82.50 per hour for paralegal work, the parties agree to stay Plaintiffs' motion on this  
23 issue pending final resolution of *Perez, et al. v. Cate, et al.*, Court of Appeals Docket No. 09-  
24 17185, United States Court of Appeals for the Ninth Circuit, including any petitions for panel or  
25 en banc rehearing, or final resolution in the United States Supreme Court (hereinafter "*Perez*  
26 appeal"). In so doing, Plaintiffs do not waive and will enforce their right to interest in  
27 accordance with the provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order.

1 Nothing in this Stipulation may be deemed a waiver or concession of any party's legal arguments  
2 regarding this issue.

3       4. If the requested stay is granted, the parties will meet and confer regarding the  
4 paralegal rate issue within 10 days after the mandate issues in the *Perez* appeal. If the parties are  
5 still unable to resolve this issue, Plaintiffs will file a motion to compel within 60 days of the  
6 completion of the meet and confer.

7 Dated: May 20, 2010

Respectfully submitted,

8 ROSEN, BIEN & GALVAN, LLP

9 By: /s/ Amy Whelan

Amy Whelan

10 Attorney for *Coleman* Plaintiffs

11 Dated: May 21, 2010

Office of the Attorney General

12 By: /s/ Debbie Vorous

13 Debbie Vorous, Deputy Attorney General

14 Attorney for *Coleman* Defendants

15

16

17

18

19

20

21

22

23

24

25

26

27

28

**ORDER STAYING PLAINTIFFS' MOTION TO COMPEL PAYMENT OF  
PARALEGAL RATES UNTIL THE RESOLUTION OF *PEREZ V. CATE*  
APPEAL NO. 09-17185**

3 Pursuant to the stipulation of the parties, and good cause appearing, this Court stays  
4 Plaintiffs' motion to compel payment of more than \$135 per hour or \$82.50 per hour for  
5 paralegal work performed during 2009 pending final resolution of *Perez, et al. v. Cate, et al.*,  
6 Court of Appeals Docket No. 09-17185, United States Court of Appeals for the Ninth Circuit,  
7 including any petitions for panel or en banc rehearing or final resolution in the United States  
8 Supreme Court. Plaintiffs have preserved and do not waive their right to claim interest in  
9 accordance with the provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order.  
10 The parties shall meet and confer regarding the paralegal rate issue within 10 days after the  
11 mandate issues in the *Perez* appeal. If the parties are still unable to resolve this issue, Plaintiffs  
12 shall file a motion to compel within 60 days of the completion of the meet and confer.

13 With respect to Plaintiffs' yearly motion to compel payment for work performed by staff  
14 who are not "paralegals" as defined by California Business & Professions Code § 6450, this  
15 Court grants the parties' stipulation setting a briefing schedule. Accordingly, Plaintiffs' motion  
16 will be due by July 5, 2010; Defendants' opposition to the motion will be due by August 2, 2010;  
17 Plaintiffs' reply brief will be due by August 16, 2010, and the hearing date for the motion will be  
18 set for August 23, 2010.

19 | IT IS SO ORDERED.

Dated: May 26, 2010

Lawrence K. Karlton  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT