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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. CIV S 90-520 LKK-JFM

**STIPULATION AND ORDER
EXTENDING THE TEMPORARY STAY
OF ALL ATTORNEYS' FEES, COSTS,
AND EXPENSES RELATED TO ALL
WORK BEFORE THE THREE-JUDGE
PANEL UNTIL JANUARY 17, 2011**

STIPULATION

Plaintiffs and defendants STIPULATE as follows:

1. In briefs filed with this court regarding plaintiffs' attorneys' fees and expenses incurred before the Three-Judge Panel, plaintiffs have sought an award of attorneys' fees and costs for work performed in connection with the Three-Judge Panel proceedings. Defendants have contended that a fees and costs award is premature and that the single judges lack jurisdiction over these fees matters. Nothing in this Stipulation may be deemed a concession of any party's positions on entitlement to or reasonableness of attorneys' fees and costs.

2. In *Plata v. Schwarzenegger*, defendants moved for a stay of attorneys' fees matters related to work before the Three-Judge Panel. *Plata* Docket 2227. Plaintiffs in the *Plata* case disputed defendants' legal arguments, but did not contest the imposition of a stay until July 1, 2010. *Plata* Docket 2241. Judge Henderson subsequently granted a temporary stay until July 1, 2010. *Plata* Docket 2255. Pursuant to the parties' stipulation, Judge Henderson recently extended the stay until January 17, 2011. *Plata* Docket 2321.

3. This Court, pursuant to the parties' stipulation, also ordered that all attorneys' fees, costs and expense matters related to the Three-Judge Panel and related appeals be stayed until October 1, 2010. *Coleman* Docket 3801.

4. On June 14, 2010, the U.S. Supreme Court announced that it would hear the Three-Judge Panel case on the merits. The parties are in the process of briefing the case before the Supreme Court and oral argument is scheduled for November 30, 2010. Accordingly, the parties jointly agree to extend the stay of all attorneys' fees, costs and expense matters related to the Three-Judge Panel and related appeals until January 17, 2011. In so doing, plaintiffs do not waive and will enforce their right to interest in accordance with the provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order. Defendants do not waive any rights or arguments to object to any and all fees and costs or to appeal any order regarding fees and costs arising out of the Three-Judge Panel proceedings. For the duration of the stay, any and all deadlines relating to motions or claims for attorneys' fees, costs, and expenses contained in the Federal Civil Rules,

1 the Federal Appellate Rules, the U.S. Supreme Court Rules, and/or the Local Rules for the
2 Eastern District of California are stayed. If either party seeks to extend the stay beyond January
3 17, 2011, the party may do so by seeking a subsequent stipulation or by filing a noticed motion
4 before this Court.

5 Dated: October 28, 2010

Respectfully submitted,

6 ROSEN, BIEN & GALVAN, LLP

7 By: /s/ Amy Whelan

Amy Whelan

8 Attorney for *Coleman* Plaintiffs

9 Dated: October 28, 2010

Office of the Attorney General

10 By: /s/Debbie Vorous

Debbie Vorous, Deputy Attorney General


11 Attorney for *Coleman* Defendants
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ORDER

Pursuant to the stipulation of the parties, and good cause appearing, this Court extends the stay of all attorneys' fees, costs and expense matters related to the Three-Judge Panel until January 17, 2011. Plaintiffs have preserved and do not waive their right to claim interest in accordance with the provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order. Defendants do not waive any rights or arguments to object to any and all fees and costs or to appeal any order regarding fees and costs arising out of the Three-Judge Panel proceedings. For the duration of the stay, any and all deadlines relating to motions or claims for attorneys' fees, costs, and expenses contained in the Federal Civil Rules, the Federal Appellate Rules, the U.S. Supreme Court Rules, and/or the Local Rules for the Eastern District of California do not apply. If either party seeks to extend the stay beyond January 17, 2011, the party may do so by seeking a subsequent stipulation or by filing a noticed motion before this Court.

IT IS SO ORDERED.

Dated: November 1, 2010


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT