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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.

EDMUND G. BROWN, JR., et al.

Defendants.¹

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**

¹ The names of defendants currently serving and their official capacities have been substituted pursuant to Fed. R. Civ. P. 25.

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 extended the stay until January 17, 2011 and later extended it until final resolution of the appeal pending before the United States Supreme Court. *Plata* Docket 2321, 2344.

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. This Court later extended the stay until January 17, 2010 pursuant to a stipulation filed by the parties. *Coleman* Docket 3948.

4. On November 30, 2010, the United States Supreme Court heard oral argument in the *Coleman/Plata v. Brown* Three-Judge matter. 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 final resolution of the appeal pending before the United States Supreme Court, Case No. 09-1233. The parties will meet and confer regarding Plaintiffs' attorneys' fees, costs, and expense matters within thirty days of the date the Supreme Court's decision is issued. 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

1 waive any rights or arguments to object to any and all fees and costs or to appeal any order
2 regarding fees and costs arising out of the Three-Judge Panel proceedings. For the duration of
3 the stay, any and all deadlines relating to motions or claims for attorneys' fees, costs, and
4 expenses contained in the Federal Civil Rules, the Federal Appellate Rules, the U.S. Supreme
5 Court Rules, and/or the Local Rules for the Eastern District of California are stayed. If either
6 party seeks to extend the stay beyond the conclusion of the Supreme Court appeal, the party may
7 do so by seeking a subsequent stipulation or by filing a noticed motion before this Court.

8 Dated: January 12, 2011

Respectfully submitted,

9 ROSEN, BIEN & GALVAN, LLP

10 By: /s/ Amy Whelan

Amy Whelan

11 Attorney for *Coleman* Plaintiffs

12 Dated: January 12, 2011

Office of the Attorney General

13 By: /s/ David Brice for

14 Debbie Vorous, Deputy Attorney General

Attorney for *Coleman* Defendants

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1 **ORDER**

2 Pursuant to the stipulation of the parties, and good cause appearing, this Court extends the
3 stay of all attorneys' fees, costs and expense matters related to the Three-Judge Panel until final
4 resolution of the appeal pending before the United States Supreme Court, Case No. 09-1233.
5 Plaintiffs have preserved and do not waive their right to claim interest in accordance with the
6 provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order. Defendants do not
7 waive any rights or arguments to object to any and all fees and costs or to appeal any order
8 regarding fees and costs arising out of the Three-Judge Panel proceedings. For the duration of
9 the stay, any and all deadlines relating to motions or claims for attorneys' fees, costs, and
10 expenses contained in the Federal Civil Rules, the Federal Appellate Rules, the U.S. Supreme
11 Court Rules, and/or the Local Rules for the Eastern District of California do not apply. If either
12 party seeks to extend the stay beyond the conclusion of the Supreme Court appeal, the party may
13 do so by seeking a subsequent stipulation or by filing a noticed motion before this Court.

14 **IT IS SO ORDERED.**

15 Dated: January 19, 2011

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19 LAWRENCE K. KARLTON
20 SENIOR JUDGE
21 UNITED STATES DISTRICT COURT
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