

ROSEN, BIEN & GALVAN, LLP
MICHAEL W. BIEN, Bar No. 96891
ERNEST GALVAN, Bar No. 196065
JANE E. KAHN, Bar No. 112239
LISA ELLS, Bar No. 243657
315 Montgomery Street, 10th Floor
San Francisco, California 94104-1823
Telephone: (415) 433-6830

K&L GATES LLP
JEFFREY L. BORNSTEIN, Bar No. 99358
EDWARD P. SANGSTER, Bar No. 121041
4 Embarcadero Center, Suite 1200
San Francisco, California 94111-5994
Telephone: (415) 882-8200

THE LEGAL AID SOCIETY –
EMPLOYMENT LAW CENTER
CLAUDIA CENTER, Bar No. 158255
600 Harrison Street, Suite 120
San Francisco, California 94107-1389
Telephone: (415) 864-8848

Attorneys for Plaintiffs

PRISON LAW OFFICE
DONALD SPECTER, Bar No. 83925
STEVEN FAMA, Bar No. 99641
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621

BINGHAM, McCUTCHEN, LLP
WARREN E. GEORGE, Bar No. 53588
Three Embarcadero Center
San Francisco, California 94111-4067
Telephone: (415) 393-2000

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 RE: OUTSTANDING
PARALEGAL AND LITIGATION
ASSISTANT RATES DISPUTE FOR 2008
AND 2009**

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

1 On August 30, 2010, the parties stipulated that they would meet and confer regarding the
2 hourly rate for paralegals and certain other litigation assistants within 10 days after the mandate
3 issued in the *Perez v. Cate* appeal in the U.S. Court of Appeals for the Ninth Circuit. (Docket
4 No. 3906). That mandate issued on February 4, 2011, and the parties thereafter agreed to extend
5 the deadline to meet and confer on this issue through February 22, 2011. The parties thereafter
6 met and conferred and hereby stipulate to the following:

7 1. This stipulation applies to past due amounts for work performed by paralegals and
8 litigation assistants during the years 2008 and 2009. During this period, defendants compensated
9 plaintiffs at an interim hourly rate of \$135 for all work performed by paralegals and litigation
10 assistants during 2008 and the first and second quarters of 2009. For the third quarter,
11 defendants compensated plaintiffs at a rate of \$82.50 for work performed by paralegals and
12 litigation assistants. For the fourth quarter of 2009, defendants compensated plaintiffs at a rate of
13 \$82.50 for work performed by paralegals, and did not compensate plaintiffs at all for work
14 performed by litigation assistants.

15 2. The parties have reached an agreement that, in light of the Ninth Circuit decision,
16 defendants will pay the following hourly rates for work performed by paralegals: \$169.50 for
17 2008, and \$170 for 2009. The parties further agree that defendants will pay the difference
18 between these stipulated hourly rates and the interim hourly rate of either \$135 or \$82.50 already
19 paid during the pendency of this dispute.

20 3. The parties have further agreed that defendants will pay the following hourly rates
21 for work performed by litigation assistants: \$135 for 2008 and \$140 for 2009. The parties
22 further agree that defendants will pay the difference between these stipulated hourly rates and the
23 interim hourly rate of either \$135 or \$82.50 already paid during the pendency of this dispute, and
24 will pay plaintiffs at an hourly rate of \$140 for the fourth quarter of 2009, when they did not
25 compensate plaintiffs at all for litigation assistant time.

26 4. The parties have further agreed that defendants will pay \$2,175.82 in accrued
27 interest related to the above-discussed outstanding fees.
28

5. Based upon the terms set forth above, for 2008 and 2009, defendants agree to pay plaintiffs' counsel \$258,224.22. This amount shall be paid within 30 days of the signing of this Order. On the 31st day following the entry of this Order, interest on any unpaid amount will begin to accrue at the rate provided by 28 U.S.C. § 1961 (i.e., the weekly average 1 year constant maturity Treasury yield for the calendar week preceding the date of the Order).

6. The parties have reached this agreement solely for the purpose of settling the paralegal and litigation assistant rate dispute for 2008 and 2009 in this action. The parties agree that the rates outlined in the stipulation are for settlement purposes only and cannot be introduced by either party in any other litigation regarding the reasonableness of any particular rate for any particular year.

WHEREFORE, defendants agree to pay plaintiffs' counsel \$258,224.22 within 30 days of the signing of this Order. On the 31st day following the entry of this Order, interest on any unpaid amount will begin to accrue at the rate provided by 28 U.S.C. § 1961 (i.e., the weekly average 1 year constant maturity Treasury yield for the calendar week preceding the date of the Order).

IT IS SO STIPULATED.

Dated: March 30, 2011

Respectfully submitted,

ROSEN, BIEN & GALVAN, LLP

By: /s/ Lisa Ells

Lisa Ells

Attorneys for *Coleman* Plaintiffs

Dated: March 30, 2011

OFFICE OF THE ATTORNEY GENERAL


By: /s/ David Brice

David Brice, Deputy Attorney General

Attorneys for *Coleman* Defendants

1 **IT IS SO ORDERED.**

2
3 Dated: March 31, 2011

4
5 
6 LAWRENCE K. KARLTON
7 SENIOR JUDGE
8 UNITED STATES DISTRICT COURT
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28