

MICHAEL W. BIEN – 096891  
ERNEST GALVAN – 196065  
LISA ELLS – 243657  
ROSEN, BIEN & GALVAN, LLP  
315 Montgomery Street, Tenth Floor  
San Francisco, California 94104-1823  
Telephone: (415) 433-6830

DONALD SPECTER – 083925  
STEVEN FAMA – 099641  
PRISON LAW OFFICE  
1917 Fifth Street  
Berkeley, California 94710-1916  
Telephone: (510) 280-2621

JEFFREY L. BORNSTEIN – 099358  
EDWARD P. SANGSTER – 121041  
RAYMOND E. LOUGHREY – 194363  
K&L GATES LLP  
4 Embarcadero Center, Suite 1200  
San Francisco, California 94111-5994  
Telephone: (415) 882-8200

WARREN E. GEORGE – 053588  
BINGHAM McCUTCHEN LLP  
Three Embarcadero Center  
San Francisco, California 94111-4067  
Telephone: (415) 393-2000

CLAUDIA CENTER – 158255  
THE LEGAL AID SOCIETY –  
EMPLOYMENT LAW CENTER  
600 Harrison Street, Suite 120  
San Francisco, California 94107-1389  
Telephone: (415) 864-8848

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN, JR., et al.,  
Defendants.

Case No. Civ S 90-0520 LKK\_JFM

**STIPULATION AND ORDER  
RESOLVING OUTSTANDING 2010  
DISPUTED FEES AND COSTS AND  
STAYING RESOLUTION OF  
PARALEGAL AND LITIGATION  
ASSISTANT 2010 RATE DISPUTE  
PENDING RESOLUTION OF FEES  
PROCEEDINGS IN ARMSTRONG V.  
BROWN**

1 Plaintiffs and Defendants STIPULATE as follows:

2 1. Pursuant to the *Coleman* Periodic Fees Order, “Plaintiffs will file a yearly  
3 motion to compel payment of disputed items, if necessary, not later than sixty (60) days  
4 after the parties meet and confer with respect to the statement covering the fourth quarter  
5 of each year.” March 19, 1996 Stipulation and Order for Periodic Collection of Attorneys’  
6 Fees and Costs.

7 2. Apart from the fees and costs related to the Three-Judge Court proceedings  
8 and related Supreme Court appeal, which the parties are separately resolving pursuant to  
9 the terms of this Court’s June 16, 2011 order (Docket No. 4023), the four categories of  
10 disputed items from 2010 that have not already been resolved through the periodic fees  
11 process are: (1) Defendants’ objections to Plaintiffs’ fees and costs associated with the  
12 district court and Ninth Circuit proceedings related to the C5 and C6 units at Salinas  
13 Valley State Prison; (2) Defendants’ objections to Plaintiffs’ fees and costs associated with  
14 the district court proceedings related to Plaintiffs’ response to Defendants’ objection to the  
15 Special Master’s suicide beds recommendation; (3) Defendants’ objections to Plaintiffs’  
16 fees and costs related to Plaintiffs’ motion to compel disputed attorneys’ fees for calendar  
17 year 2009; and (4) Defendants’ refusal to pay more than \$82.50 per hour for paralegal and  
18 litigation assistant work on the case in 2010.

19 3. With respect to the first three categories outlined in Paragraph 2 of this  
20 stipulation, the parties hereby resolve these formerly disputed fees and costs by agreeing  
21 that Defendants will pay Plaintiffs \$110,905.88 in fees plus costs of \$484.30 for the work  
22 performed.

23 4. With respect to the fourth dispute outlined in Paragraph 2 herein, the parties  
24 hereby agree to stay resolution of the rate for work performed on this case in 2010 by  
25 paralegals and litigation assistants pending resolution of the parties’ related litigation on  
26 this issue in *Armstrong v. Brown*, C94 2307 CW (N.D. Cal.). The parties have fully  
27 briefed the reasonableness of Plaintiffs’ 2010 rates with supporting evidence in that case,  
28 and are awaiting an order on the motion.

5. Accordingly, the parties agree to stay resolution of the final rate Defendants will pay paralegals and litigation assistants for work performed in 2010 pending final resolution of the *Armstrong* fees litigation, including any motions for reconsideration and final resolution of any appeals resulting from the order. In so stipulating, Plaintiffs do not waive and will enforce their right to interest in accordance with the provisions set forth in the *Coleman* Periodic Fees order. Nothing in this stipulation may be deemed a waiver or concession of any party's legal arguments regarding this issue.

6. If the requested stay is granted, the parties will meet and confer regarding the 2010 litigation assistant and paralegal rate issues within 30 days after the *Armstrong* court's ruling regarding 2010 rates becomes final. If the parties are still unable to resolve this issue, Plaintiffs will file a motion to compel within 60 days of the completion of the meet and confer.

WHEREFORE, Defendants agree to pay Plaintiffs' counsel \$110,905.88 in fees plus costs of \$484.30 within 45 days of the signing of this Order. On the 46th 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). The parties further agree to stay resolution of the 2010 rate for work performed by paralegal and litigation assistants until final resolution of the 2010 rates litigation in *Armstrong v. Brown*.

IT IS SO STIPULATED.

Dated: June 23, 2011

Respectfully submitted,

ROSEN, BIEN & GALVAN, LLP

By: /s/ Lisa Ells

Lisa Ells

Attorneys for *Coleman* Plaintiffs

Dated: June \_\_, 2011

OFFICE OF THE ATTORNEY GENERAL


By: \_\_\_\_\_

Debbie Vorous, Deputy Attorney General

Attorneys for *Coleman* Defendants

1 **IT IS SO ORDERED.**

2  
3 Dated: June 28, 2011.

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