

1 MICHAEL W. BIEN – 096891
2 ERNEST GALVAN – 196065
3 LISA ELLS – 243657
4 ROSEN, BIEN & GALVAN, LLP
5 315 Montgomery Street, Tenth Floor
6 San Francisco, California 94104-1823
7 Telephone: (415) 433-6830

8 JEFFREY L. BORNSTEIN – 099358
9 EDWARD P. SANGSTER – 121041
10 RAYMOND E. LOUGHREY – 194363
11 K&L GATES LLP
12 4 Embarcadero Center, Suite 1200
13 San Francisco, California 94111-5994
14 Telephone: (415) 882-8200

15 CLAUDIA CENTER – 158255
16 THE LEGAL AID SOCIETY –
17 EMPLOYMENT LAW CENTER
18 600 Harrison Street, Suite 120
19 San Francisco, California 94107-1389
20 Telephone: (415) 864-8848

21 Attorneys for Plaintiffs

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15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

18 RALPH COLEMAN, et al.,
19 Plaintiffs,
20 v.
21 EDMUND G. BROWN, JR., et al.,
22 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.

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

8 6. If the requested stay is granted, the parties will meet and confer regarding the
9 2010 litigation assistant and paralegal rate issues within 30 days after the *Armstrong*
10 court's ruling regarding 2010 rates becomes final. If the parties are still unable to resolve
11 this issue, Plaintiffs will file a motion to compel within 60 days of the completion of the
12 meet and confer.

13 WHEREFORE, Defendants agree to pay Plaintiffs' counsel \$110,905.88 in fees
14 plus costs of \$484.30 within 45 days of the signing of this Order. On the 46th day
15 following the entry of this Order, interest on any unpaid amount will begin to accrue at the
16 rate provided by 28 U.S.C. § 1961 (i.e., the weekly average 1 year constant maturity
17 Treasury yield for the calendar week preceding the date of the Order). The parties further
18 agree to stay resolution of the 2010 rate for work performed by paralegal and litigation
19 assistants until final resolution of the 2010 rates litigation in *Armstrong v. Brown*.

20 IT IS SO STIPULATED.

21 Dated: June 23, 2011

Respectfully submitted,

22 ROSEN, BIEN & GALVAN, LLP

23 By: /s/ Lisa Ells

24 Lisa Ells

25 Attorneys for *Coleman* Plaintiffs

26 Dated: June __, 2011

27 OFFICE OF THE ATTORNEY GENERAL

28 By: _____

Debbie Vorous, Deputy Attorney General
Attorneys for *Coleman* Defendants

1 **IT IS SO ORDERED.**

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3 Dated: June 28, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT