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10 | Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

14 RALPH COLEMAN, et al.,  
15 Plaintiffs,  
16 v.  
17 EDMUND G. BROWN, Jr., et al.,  
18 Defendants.<sup>1</sup>

Case No. Civ S 90-0520 LKK-JFM

**Stipulation and Order Resolving  
Disputes Regarding Coleman Post-  
Judgment Fees and Costs Related to  
Three-Judge Panel Proceedings and  
Related Appeals**

Judge: Hon. Lawrence K. Karlton

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

1 All matters concerning attorneys' fees, expenses, and costs arising out of the three-  
2 judge court litigation were stayed pending the U.S. Supreme Court's decision. (See  
3 *Coleman* Docket 3948, 2977.) On May 23, 2011, the U.S. Supreme Court issued its  
4 decision affirming the three-judge court's order. Defendants and counsel for the *Coleman*  
5 class submit this stipulation concerning attorneys' fees, expenses, and costs arising out of  
6 the three-judge court litigation and related appeals through June 30, 2011, other than  
7 attorneys' fees, expenses, and costs incurred by the Prison Law Office, which were  
8 resolved by a separate stipulation and order on October 13, 2011. (*Plata* Docket No.  
9 2406.) Rosen, Bien & Galvan has authority to represent co-counsel, King & Spalding,  
10 LLP and K&L Gates LLP as to the recovery of fees and costs from defendants in this case.

11 Counsel for the *Coleman* class (other than the Prison Law Office) have met and  
12 conferred with counsel for Defendants and have reached a resolution in the amount of  
13 \$4,796,347 for all fees, costs and expenses related to, incurred by, and associated with the  
14 three-judge court proceedings, including all work before the district court, the three-judge  
15 court, the Ninth Circuit Court of Appeals, and the United States Supreme Court, incurred  
16 through June 30, 2011. The parties significantly narrowed disputed issues to reach this  
17 settlement. Plaintiffs contended that the lodestar amount must be subjected to a multiplier  
18 or enhancement for exceptional success and delay in payment. *See Perdue v. Kenny A.*  
19 130 S.Ct. 1662 (2010). Defendants contended that the initial lodestar demand was  
20 excessive, and that no multiplier was permitted by law. The parties agreed that no  
21 multiplier will be paid. In addition, the final settlement amount represents a significant  
22 discount from the initial lodestar demand. The undersigned counsel waive any and all  
23 rights associated with any further payment of fees, expenses or costs, or compensation of  
24 any kind associated with the three-judge court proceedings and related appeals through  
25 work performed through June 30, 2011.

26 Defendants will make pay \$1.6 million no later than 14 days after the execution of  
27 this stipulation, and the remainder of the settlement, \$3,196,347, will be paid in January ,  
28 2012 and no later than January 30, 2012. No interest will accrue unless these deadlines are

1 missed, in which case interest will accrue on the overdue amounts at the rates provided for  
2 in 28 U.S.C. § 1961.

3 DATED: December 5, 2011 Respectfully submitted,

4 ROSEN BIEN & GALVAN

5  
6 By: /s/ Ernest Galvan  
7 Ernest Galvan

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10 DATED: December 5, 2011 KAMALA HARRIS  
11 ATTORNEY GENERAL OF CALIFORNIA

12  
13 By: /s/ Jay Russell  
14 Jay Russell  
15 Attorneys for Defendants

16 IT IS SO ORDERED:

17 DATED: December 6, 2011

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