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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN,

Plaintiff,

vs.

ARNOLD SCHWARZENEGGER, et al.,

Defendants

) Case No. Civ. S 90-0520 LKK-JFM  
)  
) **STIPULATION AND ORDER**  
) **CONFIRMING UNDISPUTED**  
) **ATTORNEYS' FEES AND COSTS**  
) **FOR THE FOURTH QUARTER**  
) **OF 2004 AND RESOLVING**  
) **DISPUTED ATTORNEYS' FEES**  
) **AND COSTS ON THE SECOND**  
) **AND THIRD QUARTERLY**  
) **STATEMENTS OF 2004**

On March 19, 1996, the District Court established procedures by which plaintiffs are to collect periodic attorneys' fees and costs in this case in connection with their work monitoring defendants' compliance with the Court's Orders and collecting fees.

Pursuant to these procedures, the parties have met and conferred concerning fees and costs incurred by plaintiffs' attorneys during the Fourth Quarter of 2004. Plaintiffs have also had an annual meet and confer in order to resolve fees that remained in dispute from the second, third, and fourth quarter of 2004.

Results of Meet and Confer Regarding Fourth Quarter 2004 Statement: As a result of the meet and confer session concerning the Fourth Quarter Statement for 2004, the parties are able to agree to the payment of \$324,508.89 in fees and costs incurred during the Fourth Quarter of 2004. Attached hereto as Exhibit A are charts setting forth the fees and expenses now due and owing on the Fourth Quarter of 2004. This agreement resolves all disputed fees and costs for the Fourth Quarter of 2004 except for \$8,722.50 in fees and costs incurred by plaintiffs in investigating and challenging classification policies of the CDC that interfere with access by members of the plaintiff class to mental health care. The parties agree to defer any dispute over the payment of this \$8,722.50 in fees and agree that plaintiffs may seek compensation this time in the future once the status of these issues has been addressed more thoroughly in the case.

WHEREFORE, IT IS CONFIRMED that \$324,508.89 is due and collectable as of 45 days from the date of entry of this order. Daily interest runs from March 10, 2005 at the rate of 3.25%.

<b>Amount</b>	<b>Interest Rate</b>	<b>Daily Interest</b>	<b>Interesting Began Accruing</b>
\$324,508.89	3.25%	\$28.89	March 10, 2004

(Interest accrues at the rate provided by 28 U.S.C. § 1961.)

Results of Annual Meet and Confer Regarding Disputed Second Quarter Fees: The parties also reached agreement on the amounts remaining in dispute on the Second

Quarterly Statement for 2004, and agree to a payment of \$3,178.84 on the previously disputed items, as reflected in Exhibit B.

WHEREFORE, IT IS CONFIRMED that \$3,178.84 is due and collectable as of 45 days from the date of entry of this order. Daily interest runs from September 7, 2004 at the rate of 2.13%.

<b>Amount</b>	<b>Interest Rate</b>	<b>Daily Interest</b>	<b>Interesting Began Accruing</b>
\$3,178.84	2.13%	\$0.19	September 7, 2004

(Interest accrues at the rate provided by 28 U.S.C. § 1961.)

Results of Annual Meet and Confer Regarding Disputed Third Quarter 2004 Fees:

The parties also met and conferred regarding fees which remained in dispute from the Third Quarter 2004 and reached agreement on the amounts remaining in dispute on the Third Quarterly Statement for 2004. As a result of the meet and confer, the parties hereby agree to a payment of \$5,300.96 on the previously disputed items, as reflected in Exhibit C. As to the Third Quarter of 2004, this agreement resolves all disputed fees and costs except for \$621.25 in fees and costs incurred by plaintiffs in investigating and challenging classification policies of the CDC that interfere with access by members of the plaintiff class to mental health care. The parties agree to defer any dispute over the payment of this \$621.25 in fees and agree that plaintiffs may seek compensation this time in the future once the status of these issues has been addressed more thoroughly in the case.

WHEREFORE, IT IS CONFIRMED that \$5,300.96 is due and collectable as of 45 days from the date of entry of this order. Daily interest runs from December 23, 2004 at the rate of 2.70%.

<b>Amount</b>	<b>Interest Rate</b>	<b>Daily Interest</b>	<b>Interesting Began Accruing</b>
\$5,300.96	2.70%	\$0.39	December 23, 2004

(Interest accrues at the rate provided by 28 U.S.C. § 1961.)

1 WHEREFORE, IT IS CONFIRMED that \$332,988.69, plus interest is due and collectable  
2 as of 45 days from the date of entry of this order.

3 IT IS SO ORDERED.

4  
5 Dated: August 22, 2005.

6  
7   
8 UNITED STATES MAGISTRATE JUDGE

9 APPROVED AS TO FORM:

10  
11 /s/  
12 Lisa Tillman, Esq.  
13 Deputy Attorney General  
14 Attorney for Defendants

DATED: June 19, 2005

15 /s/  
16 Thomas Nolan, Esq.  
17 Rosen, Bien & Asaro  
18 Attorneys for Plaintiffs

DATED: June 21, 2005