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17 IN THE UNITED STATES DISTRICT COURT
18
19 EASTERN DISTRICT OF CALIFORNIA

20 RALPH COLEMAN,

) Case No. Civ. S 90-0520 LKK-JFM

21 Plaintiff,

) **STIPULATION AND ORDER**

21 vs.

) **CONFIRMING UNDISPUTED**

22 ARNOLD SCHWARZENEGGER, et al.,

) **ATTORNEYS' FEES AND COSTS**

23 Defendants

) **FOR THE FOURTH QUARTER**

24

) **OF 2004 AND RESOLVING**

25

) **DISPUTED ATTORNEYS' FEES**

26

) **AND COSTS ON THE SECOND**

27

) **AND THIRD QUARTERLY**

28

) **STATEMENTS OF 2004**

)

)

)

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

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

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

19 WHEREFORE, IT IS CONFIRMED that \$324,508.89 is due and collectable as of
 20 45 days from the date of entry of this order. Daily interest runs from March 10, 2005 at
 21 the rate of 3.25%.

22 **Amount Interest Rate Daily Interest Interesting Began Accruing**
 23 \$324,508.89 3.25% \$28.89 March 10, 2004

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

25
 26 Results of Annual Meet and Confer Regarding Disputed Second Quarter Fees: The
 27 parties also reached agreement on the amounts remaining in dispute on the Second
 28

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

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

Amount	Interest Rate	Daily Interest	Interest Began Accruing
\$3,178.84	2.13%	\$0.19	September 7, 2004

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

9

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

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

Amount	Interest Rate	Daily Interest	Interest Began Accruing
\$5,300.96	2.70%	\$.39	December 23, 2004

27 (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 ~~John F. Worldwide~~
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

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