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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,
Plaintiffs,
v.
ARNOLD SCHWARZENEGGER, et al.,
Defendants.

Case No. C94 2307 CW

**ORDER CONFIRMING UNDISPUTED
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION ATTORNEY'S
FEES AND COSTS FOR THE THIRD
QUARTER OF 2010, AND
CONFIRMING RESOLUTION OF
CERTAIN ATTORNEY'S FEES AND
COSTS INCURRED ON APPEAL**

On March 26, 1997, 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, on October 15, 2010 Plaintiffs served on Defendants their Third Quarterly Statement for 2010, by overnight delivery. Defendants responded on

1 December 9, 2010. The parties completed their meet-and-confer process on December 13,
2 2010 as to the number of hours and costs incurred, but not as to Plaintiffs' claim to 2010
3 hourly rates.

4 Pursuant to the Stipulation and Order Re Procedure for Resolving Attorney's Fees
5 Incurred on Appeal (Docket No. 1794, entered October 25, 2010), on December 13, 2010 the
6 parties also met and conferred regarding Plaintiffs' claims to fees and expenses incurred in
7 Ninth Circuit Case Nos. 07-17342 and 09-16716, which were transferred to this Court.

8 As a result of the December 13, 2010 agreement, the parties agree to the following:

9 The parties agree to the payment of \$571,972.64 for undisputed fees and costs incurred
10 during the Third Quarter of 2010, for monitoring and fee collection activities in the California
11 Department of Corrections of Rehabilitation Division of Adult Operations and Adult Programs
12 (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are charts setting forth the
13 fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these
14 claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010 rates for the
15 undisputed hours incurred in Quarter Three of 2010, also reflected on Exhibit A.

16 The parties agree to the payment of \$161,346.60 for undisputed fees and costs incurred
17 during the Third Quarter of 2010, for monitoring and fee collection activities in the Board of
18 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting
19 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle
20 these claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010 rates
21 for the undisputed hours incurred in Quarter Three of 2010, also reflected on Exhibit B.


22 The parties agree to the payment of \$59,381.45 for undisputed fees and costs incurred
23 during the Third Quarter of 2010, for monitoring and fee collection activities in the Division of
24 Adult Parole Operations (DAPO) portion of the case. Attached hereto as **Exhibit C** are charts
25 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to
26 settle these claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010
27 rates for the undisputed hours incurred in Quarter Three of 2010, also reflected on Exhibit C.

1 The parties agree to the payment of \$209,000.00 for the resolution of Plaintiffs' claims
2 for Case Nos. 07-17342 and 09-16716.

3 The parties also agree that the amount of \$12,119.38 in fees incurred during the Second
4 Quarter of 2010 was undisputed as a result of the parties' Second Quarter meet-and-confer
5 process, but that this amount was inadvertently omitted from the Second Quarter Orders due to
6 a calculation error and shall now be paid.

7 IT IS HEREBY ORDERED that the amounts set forth above are due and collectable as
8 of forty-five days from the date of entry of this Order. Interest on these fees and costs will run
9 from November 18, 2010, accruing at the rate provided by 28 U.S.C. § 1961.

10
11 DATED: 12/22/2010


THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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14 APPROVED AS TO FORM:

15
16 /s/ Jay C. Russell
Jay C. Russell
Deputy Attorney General
Attorney for Defendants

DATED: December 20, 2010

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18
19
20 /s/ Holly M. Baldwin
Holly M. Baldwin
Rosen, Bien & Galvan, LLP
Attorneys for Plaintiffs

DATED: December 20, 2010