

PRISON LAW OFFICE  
DONALD SPECTER – 83925  
SARA NORMAN – 189536  
1917 Fifth Street  
Berkeley, California 94710-1916  
Telephone: (510) 280-2621  
Facsimile: (510) 280-2704

BINGHAM McCUTCHEN  
WARREN E. GEORGE – 53588  
Three Embarcadero Center  
San Francisco, California 94111-4066  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286

DISABILITY RIGHTS EDUCATION &  
DEFENSE FUND, INC.  
LINDA KILB – 136101  
2212 Sixth Street  
Berkeley, California 94710-2219  
Telephone: (510) 644-2555  
Facsimile: (510) 841-8645

ROSEN, BIEN & GALVAN, LLP  
MICHAEL W. BIEN – 096891  
ERNEST GALVAN – 196065  
GAY CROSTHWAIT GRUNFELD – 121944  
HOLLY M. BALDWIN – 191317  
315 Montgomery Street, Tenth Floor  
San Francisco, California 94104-1823  
Telephone: (415) 433-6830  
Facsimile: (415) 433-7104

Attorneys for Plaintiffs

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 FOURTH  
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 January 26, 2011 Plaintiffs served on Defendants their Fourth Quarterly Statement for 2010, by overnight delivery. The parties completed their meet-

1 and-confer process on March 3, 2011 as to the number of hours and costs incurred, but not as  
2 to Plaintiffs' claim to 2010 hourly rates.

3 Pursuant to the Stipulation and Order Re Procedure for Resolving Attorney's Fees  
4 Incurred on Appeal (Docket No. 1827, entered January 19, 2011), on March 3, 2011 the parties  
5 also met and conferred regarding Plaintiffs' claims to fees and expenses incurred in Ninth  
6 Circuit Case No. 09-17144, which were transferred to this Court.

7 As a result of the March 3, 2011 agreement, the parties agree to the following:

8 The parties agree to the payment of \$624,143.97 for undisputed fees and costs incurred  
9 during the Fourth Quarter of 2010, for monitoring and fee collection activities in the California  
10 Department of Corrections of Rehabilitation Division of Adult Operations and Adult Programs  
11 (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are charts setting forth the  
12 fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these  
13 claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010 rates for the  
14 undisputed hours incurred in Quarter Four of 2010, also reflected on Exhibit A.

15 The parties agree to the payment of \$197,340.35 for undisputed fees and costs incurred  
16 during the Fourth Quarter of 2010, for monitoring and fee collection activities in the Board of  
17 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting  
18 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle  
19 these claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010 rates  
20 for the undisputed hours incurred in Quarter Four of 2010, also reflected on Exhibit B.

21 The parties agree to the payment of \$49,025.00 for undisputed fees and costs incurred  
22 during the Fourth Quarter of 2010, for monitoring and fee collection activities in the Division  
23 of Adult Parole Operations (DAPO) portion of the case. Attached hereto as **Exhibit C** are  
24 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the  
25 parties to settle these claims. Remaining in dispute is the difference between Plaintiffs' 2008  
26 and 2010 rates for the undisputed hours incurred in Quarter Four of 2010, also reflected on  
27 Exhibit C.

1 The parties agree to the payment of \$250,000.00 for the resolution of Plaintiffs' claims  
2 for Ninth Cir. Case No. 09-17144.

3 IT IS HEREBY ORDERED that the amounts set forth above are due and collectable as  
4 of forty-five days from the date of entry of this Order. Interest on these fees and costs will run  
5 from February 28, 2011, accruing at the rate provided by 28 U.S.C. § 1961.

6  
7 DATED: 3/09/2011

  
THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

9  
10 APPROVED AS TO FORM:

11  
12 /s/ Jay C. Russell  
Jay C. Russell  
13 Deputy Attorney General  
Attorney for Defendants

DATED: March 4, 2011

14  
15  
16 /s/ Holly M. Baldwin  
Holly M. Baldwin  
17 Rosen, Bien & Galvan, LLP  
Attorneys for Plaintiffs

DATED: March 4, 2011