

DONALD SPECTER – 083925
REBEKAH EVENSON – 207825
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

WARREN E. GEORGE – 053588
BINGHAM McCUTCHEN LLP
Three Embarcadero Center
San Francisco, California 94111-4066
Telephone: (415) 393-2000
Facsimile: (415) 393-2286

LINDA D. KILB – 136101
DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
3075 Adeline Street, Suite 201
Berkeley, California 94703
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

MICHAEL W. BIEN – 096891
KENNETH M. WALCZAK – 247389
ROSEN, BIEN & GALVAN, LLP
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

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

EDMUND G. BROWN, JR., et al.,

Defendants.¹

Case No. C94 2307 CW

**ORDER CONFIRMING UNDISPUTED
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION ATTORNEY'S
FEES AND COSTS FOR THE FIRST
QUARTER OF 2011**

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 April 21, 2011 Plaintiffs served on Defendants their First Quarterly Statement for 2011, by overnight delivery. The parties completed their meet-and-confer process on July 22, 2011 as to the number of hours and costs incurred on all matters save the litigation concerning Plaintiffs' claim to 2011 hourly rates.

¹ The names of Defendants currently serving and their capacities have been substituted pursuant to Fed. R. Civ. P. 25.

1 As a result of the July 22, 2011 agreement, the parties agree to the following:

2 The parties agree to the payment of \$556,248.13 for undisputed fees and costs
3 incurred during the First Quarter of 2011, for monitoring and fee collection activities in the
4 California Department of Corrections of Rehabilitation Division of Adult Operations and
5 Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
6 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
7 the parties to settle these claims. Remaining in dispute is the difference between Plaintiffs'
8 2008 and 2011 rates for the undisputed hours incurred in Quarter One of 2011, and the
9 time spent by Plaintiffs to litigate the pending rates dispute, also reflected on Exhibit A.

10 The parties agree to the payment of \$199,996.91 for undisputed fees and costs
11 incurred during the First Quarter of 2011, for monitoring and fee collection activities in the
12 Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims. Remaining in dispute is the difference between Plaintiffs'
15 2008 and 2011 rates for the undisputed hours incurred in Quarter One of 2011, also
16 reflected on Exhibit B.

17 The parties agree to the payment of \$70,667.51 for undisputed fees and costs
18 incurred during the First Quarter of 2011, for monitoring and fee collection activities in the
19 Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
20 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
21 agreed to by the parties to settle these claims. Remaining in dispute is the difference
22 between Plaintiffs' 2008 and 2011 rates for the undisputed hours incurred in Quarter One
23 of 2011, also reflected on Exhibit C.

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1 IT IS HEREBY ORDERED that the amounts set forth above are due and
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
3 and costs will run from May 23, 2011, accruing at the rate provided by 28 U.S.C. § 1961.
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5 DATED: 7/29/2011

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7 
8 THE HONORABLE CLAUDIA WILKEN
9 UNITED STATES DISTRICT JUDGE

10 APPROVED AS TO FORM:

11 /s/ Scott Feudale

DATED: July 28, 2011

12 _____
13 Scott Feudale
14 Deputy Attorney General
15 Attorney for Defendants

16 /s/ Kenneth M. Walczak

DATED: July 28, 2011

17 _____
18 Kenneth M. Walczak
19 Rosen, Bien & Galvan, LLP
20 Attorneys for Plaintiffs
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