

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
ERNEST GALVAN – 196065
GAY CROSTHWAIT GRUNFELD – 121944
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

**~~PROPOSED~~ ORDER CONFIRMING
UNDISPUTED CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION
ATTORNEY'S FEES AND COSTS
FOR THE THIRD 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 October 20, 2011, Plaintiffs served on Defendants their Third Quarterly Statement for 2011 by overnight delivery. The parties completed their meet-and-confer process on December 1, 2011 as to the number of hours and costs

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

1 incurred on all matters.

2 As a result of the December 1, 2011 agreement, the parties agree to the following:

3 The parties agree to the payment of \$819,527.93 for undisputed fees and costs
4 incurred during the Third Quarter of 2011, for monitoring and fee collection activities in
5 the California Department of Corrections of Rehabilitation Division of Adult Operations
6 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
7 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
8 the parties to settle these claims.

9 The parties agree to the payment of \$583,453.19 for undisputed fees and costs
10 incurred during the Third Quarter of 2011, for monitoring and fee collection activities in
11 the Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are
12 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
13 the parties to settle these claims.

14 The parties agree to the payment of \$51,133.89 for undisputed fees and costs
15 incurred during the Third Quarter of 2011, for monitoring and fee collection activities in
16 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
17 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
18 agreed to by the parties to settle these claims.

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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 November 19, 2011, accruing at the rate provided by 28 U.S.C.
4 § 1961.

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6 DATED: 12/7/2011

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8 

9 THE HONORABLE CLAUDIA WILKEN
10 UNITED STATES DISTRICT JUDGE

11 APPROVED AS TO FORM:

12 /s/ Jay Russell

DATED: December 6, 2011

13 _____
14 Jay Russell
15 Deputy Attorney General
16 Attorney for Defendants

17 /s/ Kenneth Walczak

DATED: December 5, 2011

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

Armstrong v. Brown
Third Quarterly Statement of 2011
July 1, 2011 through September 30, 2011

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
CDCR/AOAP MONITORING	\$737,788.34	\$39,337.02
CDCR/AOAP FEES	<u>\$41,843.85</u>	<u>\$558.72</u>
TOTALS	\$779,632.19	\$39,895.74
	GRAND TOTAL:	\$819,527.93

Armstrong v. Brown

Summary of Undisputed Fees

3rd Quarter - July 1, 2011 through September 30, 2011

Matter: CDCR/AOAP Monitoring/Merits**Monitoring (581-3)**

	Actual	Claimed	Claimed	Withdrawn	Undisputed	2011	Fees Now
	<u>Hours</u>	<u>Hours</u>	<u>Fees</u>	<u>By Pltfs</u>	<u>Hours</u>	<u>Rates</u>	<u>Owing</u>
<u>ROSEN, BIEN & GALVAN</u>							
Sanford Jay Rosen (SJR)	0.50	0.50	\$420.00	0.02	0.48	\$840	\$405.30
Michael W. Bien (MWB)	15.90	15.90	\$11,766.00	0.56	15.34	\$740	\$11,354.19
Gay C. Grunfeld (GCG)	53.10	53.00	\$33,125.00	1.86	51.15	\$625	\$31,965.63
Ernest Galvan (EG)	0.90	0.90	\$531.00	0.03	0.87	\$590	\$512.42
Tom Nolan (TN)	170.80	170.70	\$89,617.50	5.97	164.73	\$525	\$86,480.89
Kenneth M. Walczak (KMW)	0.80	0.00	\$0.00	0.00	0.00	\$420	\$0.00
Lisa Ells (LAE)	81.10	79.50	\$30,607.50	2.78	76.72	\$385	\$29,536.24
Laura Boysen-Aragon (LBA)	104.60	104.20	\$38,033.00	3.65	100.55	\$365	\$36,701.85
Aaron Fischer (AJF)	1.70	1.70	\$620.50	0.06	1.64	\$365	\$598.78
Blake Thompson (BT)	33.10	30.00	\$10,500.00	1.05	28.95	\$350	\$10,132.50
Michael Freedman (MLF)	171.00	169.00	\$54,925.00	5.92	163.09	\$325	\$53,002.63
Sumana Cooppan (SC)	0.80	0.00	\$0.00	0.00	0.00	\$315	\$0.00
Kevin Jones (KEJ)	1.10	0.00	\$0.00	0.00	0.00	\$275	\$0.00
Josephine Weinberg (JBW)	99.60	96.90	\$24,225.00	3.39	93.51	\$250	\$23,377.13
Karen Stilber (KES)	4.10	4.10	\$1,025.00	0.14	3.96	\$250	\$989.13
Matthew Cagle (MTC)	0.70	0.70	\$150.50	0.02	0.68	\$215	\$145.23
Misha Goodwin (NMG)	1.60	0.00	\$0.00	0.00	0.00	\$210	\$0.00
Haruka Roudebush (HR)	269.60	255.10	\$52,295.50	8.93	246.17	\$205	\$50,465.16
Marc Shinn-Krantz (MSK)	87.40	80.80	\$16,564.00	2.83	77.97	\$205	\$15,984.26
Hugo Cabrera (HDC)	<u>132.90</u>	<u>131.40</u>	<u>\$26,937.00</u>	<u>4.60</u>	<u>126.80</u>	<u>\$205</u>	<u>\$25,994.21</u>
Total Hours:	1,231.30	1,194.40	\$391,342.50	41.80	1,152.60		
RBG CLAIMED FEES:							\$377,645.51

PRISON LAW OFFICE

Donald Specter (DS)	19.90	19.90	\$14,925.00	0.70	19.20	\$750	\$14,402.63
Steve Fama (SF)	0.20	0.20	\$135.00	0.01	0.19	\$675	\$130.28
Sara Norman (SN)	3.30	3.30	\$1,848.00	0.12	3.18	\$560	\$1,783.32
Susan Christian (SDC)	80.20	80.20	\$45,714.00	2.81	77.39	\$570	\$44,114.01
Alison Hardy (AH)	0.70	0.70	\$378.00	0.02	0.68	\$540	\$364.77
Millard Murphy (MM)	0.30	0.30	\$162.00	0.01	0.29	\$540	\$156.33
Glenn Katon (GK)	1.00	1.00	\$525.00	0.04	0.97	\$525	\$506.63
Rebekah Evenson (RE)	163.90	163.90	\$81,130.50	5.74	158.16	\$495	\$78,290.93
Megan Hagler (MH)	141.20	141.20	\$59,304.00	4.94	136.26	\$420	\$57,228.36
Penny Godbold (PG)	76.60	76.60	\$32,172.00	2.68	73.92	\$420	\$31,045.98
Corene Kendrick	232.00	232.00	\$97,440.00	8.12	223.88	\$420	\$94,029.60
Kelly Knapp (KK)	0.10	0.10	\$35.00	0.00	0.10	\$350	\$33.78
Rana Anabtawi (RA)	0.80	0.80	\$240.00	0.03	0.77	\$300	\$231.60
Vincent Quan (VC)	72.90	72.90	\$13,486.50	2.55	70.35	\$185	\$13,014.47
Frances Guzman (FG)	55.20	55.20	\$10,212.00	1.93	53.27	\$185	\$9,854.58
Riley Doyle Evans (RDE)	17.50	17.50	\$3,237.50	0.61	16.89	\$185	\$3,124.19
Sergio Broholm (SB)	9.20	9.20	\$1,702.00	0.32	8.88	\$185	\$1,642.43
Simon Woodard (SW)	14.50	14.50	\$2,682.50	0.51	13.99	\$185	\$2,588.61
Madeline Bailey (MB)	8.80	8.80	\$1,628.00	0.31	8.49	\$185	\$1,571.02
Lauren Kelleher (LK)	2.20	2.20	\$407.00	0.08	2.12	\$185	\$392.76
Viraj Talwar (VT)	<u>19.30</u>	<u>19.30</u>	<u>\$3,570.50</u>	<u>0.68</u>	<u>18.62</u>	<u>\$185</u>	<u>\$3,445.53</u>
Total Hours:	919.80	919.80	\$370,934.50	32.19	887.61		
PLO CLAIMED FEES:							\$357,951.79

DISABILITY RIGHTS EDUCATION AND DEFENSE FUND

Linda Kilb (LDK)	2.50	2.50	\$1,462.50	0.09	2.41	\$585	\$1,411.31
S. Yee (SY)	0.70	0.70	\$280.00	0.02	0.68	\$400	\$270.20
Mary Lou Breslin (MLB)	1.00	1.00	\$230.00	0.04	0.97	\$230	\$221.95
Marilyn Golden (MG)	0.60	0.60	\$138.00	0.02	0.58	\$230	\$133.17
Hongyu Min (HM)	<u>3.90</u>	<u>2.00</u>	<u>\$160.00</u>	<u>0.07</u>	<u>1.93</u>	<u>\$80</u>	<u>\$154.40</u>
Total Hours:	8.70	6.80	\$2,270.50	0.24	6.56		

DREDF CLAIMED FEES:**\$2,191.03****TOTAL CLAIMED MONITORING FEES:****\$737,788.34**

	Actual	Claimed	Claimed	Withdrawn	Undisputed	2011	Fees Now
	<u>Hours</u>	<u>Hours</u>	<u>Fees</u>	<u>By Pltfs</u>	<u>Hours</u>	<u>Rates</u>	<u>Owing</u>
<u>FEES (581-2)</u>							
<u>ROSEN, BIEN & GALVAN</u>							
Sanford Jay Rosen (SJR)	6.20	4.40	\$3,696.00	0.15	4.25	\$840	\$3,566.64
Michael W. Bien (MWVB)	0.60	0.00	\$0.00	0.00	0.00	\$740	\$0.00
Gay C. Grunfeld (GCG)	9.70	9.30	\$5,812.50	0.33	8.97	\$625	\$5,609.06
Ernest Galvan (EG)	1.90	1.20	\$708.00	0.04	1.16	\$590	\$683.22
Maria V. Morris (MVM)	0.40	0.00	\$0.00	0.00	0.00	\$450	\$0.00
Kenneth Walczak (KMW)	26.60	23.80	\$9,996.00	0.83	22.97	\$420	\$9,646.14
Lisa Ellis (LAE)	0.40	0.00	\$0.00	0.00	0.00	\$385	\$0.00
Blake Thompson (BT)	13.00	12.40	\$4,340.00	0.43	11.97	\$350	\$4,188.10
Michael Freedman (MLF)	0.10	0.00	\$0.00	0.00	0.00	\$325	\$0.00
Sumana Cooppan (SC)	5.30	3.90	\$1,228.50	0.14	3.76	\$315	\$1,185.50
Kevin Jones (KEJ)	0.30	0.00	\$0.00	0.00	0.00	\$275	\$0.00
Karen Stilber (KES)	0.80	0.00	\$0.00	0.00	0.00	\$250	\$0.00
Misha Goodwin (NMG)	32.50	23.90	\$5,019.00	0.84	23.06	\$210	\$4,843.34
Hugo Cabrera (HDC)	<u>58.40</u>	<u>54.50</u>	<u>\$11,172.50</u>	<u>1.91</u>	<u>52.59</u>	<u>\$205</u>	<u>\$10,781.46</u>
Total Hours:	156.20	133.40	\$41,972.50	4.67	128.73		
RBG CLAIMED FEES:							\$40,503.46
<u>BINGHAM MCCUTCHEN</u>							
Geoffrey T. Holtz (GH)	0.20	0.20	\$136.00	0.01	0.19	\$680	\$131.24
Tracey D. Berger (TB)	<u>0.10</u>	<u>0.10</u>	<u>\$53.00</u>	<u>0.00</u>	<u>0.10</u>	<u>\$530</u>	<u>\$51.15</u>
Total Hours:	0.30	0.30	\$189.00	0.01	0.29		
BMc CLAIMED FEES:							\$182.39
<u>PRISON LAW OFFICE</u>							
Rebekah Evenson	0.30	0.30	\$148.50	0.01	0.29	\$495	\$143.30
Edie DeGraff (ED)	<u>3.00</u>	<u>3.00</u>	<u>\$525.00</u>	<u>0.11</u>	<u>2.90</u>	<u>\$175</u>	<u>\$506.63</u>
Total Hours:	3.30	3.30	\$673.50	0.12	3.18		
PLO CLAIMED FEES:							\$649.93
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>							
Linda Kilb (LDK)	<u>0.90</u>	<u>0.90</u>	<u>\$526.50</u>	<u>0.03</u>	<u>0.87</u>	<u>\$585</u>	<u>\$508.07</u>
Total Hours:	0.90	0.90	\$526.50	0.03	0.87		
DREDF CLAIMED FEES:							\$508.07
TOTAL CLAIMED FEES FOR ARMSTRONG FEES WORK:							\$41,843.85

Armstrong v. Brown

Third Quarterly Statement of 2011
July 1, 2011 to September 30, 2011

Costs***Matter: CDCR/AOAP Merits/Monitoring*****Rosen, Bien & Galvan (581-3)**

	Undisputed Costs
Photocopying (In house)	\$2,072.80
Photocopying (Outside)	\$1,385.88
Lexis	\$181.10
Online Research - PACER	\$12.32
Postage & Delivery	\$750.00
Travel - Mileage, Tolls, Food	\$3,766.36
Telephone	\$152.00
<u>Interpreting and Translation Services</u>	<u>\$525.00</u>
Total RBG Costs:	\$8,845.46

Prison Law Office

Photocopying (In house)	\$2,090.20
Photocopying (outside)	\$1.00
Postage & Delivery	\$1,216.21
Facsimile transmissions	\$4.00
Travel - Mileage, Tolls, Food	\$6,867.07
Sue Christian Travel	\$366.08
Pacer	\$10.16
Medical consultant	\$3,500.00
<u>Expert, Paul Bishop</u>	<u>\$15,928.83</u>
Total PLO Costs:	\$29,983.55

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$374.20
Postage & Delivery	\$48.93
<u>Online Research - PACER</u>	<u>\$84.88</u>
Total DREDF Costs:	\$508.01

TOTAL UNDISPUTED MONITORING COSTS: \$39,337.02

Armstrong v. Brown

Third Quarterly Statement of 2011
July 1, 2011 to September 30, 2011

Costs***Matter: CDCR/AOAP Fees Work*****Rosen, Bien & Galvan (581-2)**

	Undisputed Costs
Photocopying (in-house)	\$215.60
Photocopying (outside)	\$202.10
Online Research - PACER	\$4.08
Lexis	\$4.04
Telephone	\$2.50
<u>Postage & Delivery</u>	<u>\$130.40</u>
Total RBG Costs:	\$558.72

TOTAL UNDISPUTED FEES COSTS : \$558.72

EXHIBIT B

Armstrong v. Brown

**Third Quarterly Statement of 2011
July 1, 2011 through September 30, 2011**

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
BPH MONITORING	\$530,585.47	\$41,338.38
BPH FEES	<u>\$11,529.34</u>	<u>\$0.00</u>
TOTALS	\$542,114.81	\$41,338.38
	GRAND TOTAL:	\$583,453.19

Armstrong v. Brown

Third Quarterly Statement of 2011
 July 1, 2011 to September 30, 2011

Costs***Matter: BPH Monitoring***

	Undisputed
	<u>Costs</u>
<u>Rosen, Bien & Galvan (581-4)</u>	
Photocopying (In-house)	\$4,349.20
Photocopying (Outside)	\$17,925.34
Online Research - PACER	\$90.08
Lexis / Westlaw	\$1,648.38
Postage and Delivery	\$1,068.79
Interpreting and Translation Services	\$215.25
Telephone	\$75.85
Travel - Mileage, Tolls, Food	\$2,253.10
Records Requests	\$540.22
Expert Services / Retainers	\$9,710.00
<u>Deposition Transcripts</u>	<u>\$2,921.94</u>
Total RBG Costs:	\$40,798.15

Prison Law Office

<u>Sue Christian Travel Expenses</u>	<u>\$540.23</u>
Total PLO Costs:	\$540.23

TOTAL UNDISPUTED BPH MONITORING COSTS: \$41,338.38

EXHIBIT C

Armstrong v. Brown

Third Quarterly Statement of 2011

July 1, 2011 through September 30, 2011

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
DAPO MONITORING	\$43,925.35	\$1,632.77
DAPO FEES	<u>\$5,575.77</u>	<u>\$0.00</u>
TOTALS	\$49,501.12	\$1,632.77
	GRAND TOTAL:	\$51,133.89

Armstrong v. Brown

Summary of Undisputed Fees

3rd Quarter - July 1, 2011 through September 30, 2011

Matter: DAPO Monitoring

	Actual	Claimed	Claimed	Withdrawn	Undisputed	2011	Fees Now
	Hours	Hours	Fees	By Pltfs	Hours	Rates	Owing
<u>DAPO MONITORING (581-9)</u>							
<u>ROSEN, BIEN & GALVAN</u>							
Michael Bien (MWB)	1.90	0.00	\$0.00	0.00	0.00	\$740	\$0.00
Gay C. Grunfeld (GCG)	7.30	7.20	\$4,500.00	0.25	6.95	\$625	\$4,342.50
Shirley Huey (SH)	0.50	0.00	\$0.00	0.00	0.00	\$440	\$0.00
Kenneth M. Walczak (KMW)	27.40	24.80	\$10,416.00	0.87	23.93	\$420	\$10,051.44
Lisa Ells (LAE)	0.40	0.00	\$0.00	0.00	0.00	\$385	\$0.00
Blake Thompson (BT)	0.10	0.00	\$0.00	0.00	0.00	\$350	\$0.00
Bahareh Mostajeleian (BMM)	2.30	0.00	\$0.00	0.00	0.00	\$325	\$0.00
Sumana Cooppan (SC)	38.80	35.70	\$11,245.50	1.25	34.45	\$315	\$10,851.91
Karen Stilber (KES)	44.00	41.80	\$10,450.00	1.46	40.34	\$250	\$10,084.25
Misha Goodwin (NMG)	25.60	22.50	\$4,725.00	0.79	21.71	\$210	\$4,559.63
Diana Ruslani (DAR)	23.70	20.40	\$4,182.00	0.71	19.69	\$205	\$4,035.63
Haruka Roudebush (HR)	4.00	0.00	\$0.00	0.00	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>2.10</u>	<u>0.00</u>	<u>\$0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$205</u>	<u>\$0.00</u>
Total Hours:	178.10	152.40	\$45,518.50	5.33	147.07		

RBG CLAIMED FEES: **\$43,925.35**

TOTAL CLAIMED FOR DAPO MONITORING WORK: **\$43,925.35**

Armstrong v. Brown

Summary of Undisputed Fees

3rd Quarter - July 1, 2011 through September 30, 2011

Matter: DAPO Fees

	Actual	Claimed	Claimed	Withdrawn	Undisputed	2011	Fees Now
	Hours	Hours	Fees	By Pltfs	Hours	Rates	Owing
<u>DAPO FEES (581-10)</u>							
<u>ROSEN, BIEN & GALVAN</u>							
Kenneth M. Walczak (KMW)	12.00	11.60	\$4,872.00	0.41	11.19	\$420	\$4,701.48
Misha Goodwin (NMG)	0.90	0.80	\$168.00	0.03	0.77	\$210	\$162.12
<u>Hugo Cabrera (HDC)</u>	<u>3.60</u>	<u>3.60</u>	<u>\$738.00</u>	<u>0.13</u>	<u>3.47</u>	<u>\$205</u>	<u>\$712.17</u>
Total Hours:	16.50	16.00	\$5,778.00	0.56	15.44		

RBG CLAIMED FEES: **\$5,575.77**

TOTAL CLAIMED FOR DAPO FEES WORK: **\$5,575.77**

Armstrong v. Brown

Third Quarterly Statement of 2011
July 1, 2011 to September 30, 2011

Costs

Matter: DAPO Monitoring

	Undisputed
<u>Rosen, Bien & Galvan (581-9)</u>	<u>Costs</u>
Photocopying (in-house)	\$131.60
Photocopying (outside)	\$325.57
Lexis	\$300.00
Postage & Delivery	\$270.56
Telephone	\$5.25
<u>Travel</u>	<u>\$599.79</u>
Total RBG Costs:	\$1,632.77
TOTAL UNDISPUTED DAPO MONITORING COSTS:	<u><u>\$1,632.77</u></u>