

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.

Case No. C94 2307 CW

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

Judge: Hon. Claudia Wilken

1 On March 26, 1997, 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, on January 20, 2012, Plaintiffs served on Defendants
5 their Fourth Quarterly Statement for 2011 by overnight delivery. The parties completed
6 their meet-and-confer process on February 23, 2012 as to the number of hours and costs
7 incurred on all matters.

8 As a result of the February 23, 2012 agreement, the parties agree to the following:

9 The parties agree to the payment of \$774,132.22 for undisputed fees and costs
10 incurred during the Fourth Quarter of 2011, for monitoring and fee collection activities in
11 the California Department of Corrections of Rehabilitation Division of Adult Operations
12 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** 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.

15 The parties agree to the payment of \$261,471.49 for undisputed fees and costs
16 incurred during the Fourth Quarter of 2011, for monitoring and fee collection activities in
17 the Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are
18 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
19 the parties to settle these claims.

20 The parties agree to the payment of \$47,162.98 for undisputed fees and costs
21 incurred during the Fourth Quarter of 2011, for monitoring and fee collection activities in
22 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 ///

26 ///

27 ///

28 ///

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 February 20, 2012 accruing at the rate provided by 28 U.S.C.
4 § 1961.

5
6 DATED: 3/7/2012

7
8 

9 THE HONORABLE CLAUDIA WILKEN
10 UNITED STATES DISTRICT JUDGE

11 APPROVED AS TO FORM:

12 /s/ *Scott Feudale*

DATED: March 6, 2012

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

17 /s/ *Kenneth M. Walczak*

DATED: February 28, 2012

18 _____
19 Kenneth M. Walczak
20 Rosen, Bien & Galvan, LLP
21 Attorneys for Plaintiffs
22
23
24
25
26
27
28

EXHIBIT A

Armstrong v. Brown
Fourth Quarterly Statement of 2011
October 1, 2011 through December 31, 2011

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
CDCR/AOAP MONITORING	\$717,940.00	\$28,740.43
CDCR/AOAP FEES	<u>\$27,122.50</u>	<u>\$329.29</u>
TOTALS	\$745,062.50	\$29,069.72
	GRAND TOTAL:	\$774,132.22

Armstrong v. Brown

Summary of Undisputed Fees

4th Quarter - October 1, 2011 through December 31, 2011

Matter: CDCR/AOAP Fees Work

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<u>FEES (581-2)</u>				
<u>ROSEN, BIEN & GALVAN</u>				
Michael W. Bien (MWB)	0.20	0.00	\$740	\$0.00
Gay C. Grunfeld (GCG)	9.30	8.70	\$625	\$5,437.50
Shirley Huey (SH)	0.20	0.00	\$440	\$0.00
Kenneth Walczak (KMW)	12.10	10.40	\$420	\$4,368.00
Lisa Ells (LAE)	0.60	0.00	\$385	\$0.00
Blake Thompson (BT)	4.60	4.60	\$350	\$1,610.00
Sumana Cooppan (SC)	0.40	0.00	\$315	\$0.00
Karen Stilber (KES)	19.30	16.30	\$250	\$4,075.00
Carolina Casanas (CPC)	0.60	0.00	\$230	\$0.00
Haruka Roudebush (HR)	0.20	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>47.30</u>	<u>43.90</u>	<u>\$205</u>	<u>\$8,999.50</u>
Total Hours:	94.80	83.90		
RBG UNDISPUTED FEES:				\$24,490.00
<u>PRISON LAW OFFICE</u>				
<u>Edie DeGraff (ED)</u>	<u>9.10</u>	<u>9.10</u>	<u>\$175</u>	<u>\$1,592.50</u>
Total Hours:	9.10	9.10		
PLO UNDISPUTED FEES:				\$1,592.50
INTEREST OWED FOR Q2 2011				\$1,040.00
TOTAL UNDISPUTED FEES WORK:				\$27,122.50

Armstrong v. Brown

Summary of Undisputed Fees

4th Quarter - October 1, 2011 through December 31, 2011

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

	<u>Actual</u>	<u>Undisputed</u>	<u>2011</u>	<u>Fees Now</u>
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Owing</u>
<u>ROSEN, BIEN & GALVAN</u>				
Michael W. Bien (MWB)	29.80	29.70	\$740	\$21,978.00
Gay C. Grunfeld (GCG)	29.40	29.10	\$625	\$18,187.50
Ernest Galvan (EG)	1.10	0.00	\$590	\$0.00
Tom Nolan (TN)	87.60	87.60	\$525	\$45,990.00
Kenneth M. Walczak (KMW)	0.10	0.00	\$420	\$0.00
Lisa Ells (LAE)	88.60	83.80	\$385	\$32,263.00
Laura Boysen-Aragon (LBA)	83.80	82.30	\$365	\$30,039.50
Blake Thompson (BT)	111.20	110.30	\$350	\$38,605.00
Michael Freedman (MLF)	157.30	157.20	\$325	\$51,090.00
Sumana Cooppan (SC)	3.40	0.00	\$315	\$0.00
Kevin Jones (KEJ)	0.20	0.00	\$275	\$0.00
Josephine Weinberg (JBW)	76.10	75.50	\$250	\$18,875.00
Carolina Casanas (CPC)	2.10	0.00	\$230	\$0.00
Karen Stilber (KES)	2.10	0.00	\$250	\$0.00
Diana Ruslani (DAR)	10.90	5.60	\$205	\$1,148.00
Marc Shinn-Krantz (MSK)	108.90	105.20	\$205	\$21,566.00
Haruka Roudebush (HR)	221.30	164.60	\$205	\$33,743.00
<u>Hugo Cabrera (HDC)</u>	<u>142.60</u>	<u>137.70</u>	<u>\$205</u>	<u>\$28,228.50</u>

Total Hours: 1,156.50

1,068.60

RBG UNDISPUTED FEES:**\$341,713.50****PRISON LAW OFFICE**

Donald Specter (DS)	11.70	11.70	\$750	\$8,775.00
Steve Fama (SF)	0.50	0.50	\$675	\$337.50
Sara Norman (SN)	2.60	2.60	\$560	\$1,456.00
Alison Hardy (AH)	1.60	1.60	\$540	\$864.00
Rebekah Evenson (RE)	214.60	214.60	\$495	\$106,227.00
Megan Hagler (MH)	139.30	139.30	\$420	\$58,506.00
Penny Godbold (PG)	143.00	143.00	\$420	\$60,060.00
Susan D. Christian (SDC)	4.00	4.00	\$570	\$2,280.00
Corene Kendrick (CK)	179.70	179.70	\$420	\$75,474.00
Vincent Quan (VC)	80.10	80.10	\$185	\$14,818.50
Riley Doyle Evans (RDE)	68.30	68.30	\$185	\$12,635.50
Simon Woodard (SW)	74.40	74.40	\$185	\$13,764.00
Madeline Bailey (MB)	43.50	43.50	\$185	\$8,047.50
Lauren Kelleher (LK)	49.70	49.70	\$185	\$9,194.50
<u>Viraj Talwar (VT)</u>	<u>18.80</u>	<u>18.80</u>	<u>\$185</u>	<u>\$3,478.00</u>

Total Hours: 1,031.80

1,031.80

PLO UNDISPUTED FEES:**\$375,917.50****DISABILITY RIGHTS EDUCATION AND DEFENSE FUND**

Linda Kilb (LDK)	0.20	0.20	\$585	\$117.00
<u>Hongyu Min (HM)</u>	<u>4.70</u>	<u>2.40</u>	<u>\$80</u>	<u>\$192.00</u>

Total Hours: 4.90

2.60

DREDF UNDISPUTED FEES:**\$309.00****TOTAL UNDISPUTED MONITORING FEES:****\$717,940.00**

Armstrong v. Brown

Fourth Quarterly Statement of 2011
October 1, 2011 to December 31, 2011

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

Photocopying (In house)	\$1,252.80
Photocopying (Outside)	\$1,317.00
Lexis / Westlaw	\$240.59
Online Research - PACER	\$19.76
Postage & Delivery	\$678.38
Travel - Mileage, Tolls, Food	\$4,399.57
Telephone	\$35.20
Expert, Paul Bishop	\$9,145.00
<u>Interpreting and Translation Services</u>	<u>\$320.00</u>

Total RBG Costs: \$17,408.30

Prison Law Office

Photocopying (In house)	\$1,347.20
Lexis / Westlaw	\$34.88
Travel - Mileage, Tolls, Food	\$6,399.63
Interpreting and Translation Services	\$1,050.00
<u>Expert, Paul Bishop</u>	<u>\$1,627.50</u>

Total PLO Costs: \$11,080.61

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$209.20
Postage & Delivery	\$38.64
<u>Online Research - PACER</u>	<u>\$3.68</u>

Total DREDF Costs: \$251.52

TOTAL UNDISPUTED MONITORING COSTS: \$28,740.43

Armstrong v. Brown

Fourth Quarterly Statement of 2011
October 1, 2011 to December 31, 2011

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

Photocopying (in-house)	\$82.40
Online Research - PACER	\$2.56
Telephone	\$1.00
<u>Postage & Delivery</u>	<u>\$243.33</u>

Total RBG Costs: \$329.29

TOTAL UNDISPUTED FEES COSTS : \$329.29

EXHIBIT B

Armstrong v. Brown

Fourth Quarterly Statement of 2011

October 1, 2011 through December 31, 2011

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
BPH MONITORING	\$247,455.00	\$9,902.99
BPH FEES	<u>\$4,113.50</u>	<u>\$0.00</u>
TOTALS	\$251,568.50	\$9,902.99
	GRAND TOTAL:	\$261,471.49

Armstrong v. Brown
 Summary of Undisputed Fees
 4th Quarter - October 1, 2011 through December 31, 2011
Matter: BPH Monitoring

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<u>BPH MONITORING (581-4)</u>				
<u>ROSEN, BIEN & GALVAN</u>				
Michael W. Bien (MWB)	17.20	17.20	\$740	\$12,728.00
Gay C. Grunfeld (GCG)	76.20	76.20	\$625	\$47,625.00
Ernest Galvan (EG)	7.30	7.30	\$590	\$4,307.00
Shirley Huey (SH)	12.50	11.80	\$440	\$5,192.00
Kenneth Walczak (KMW)	16.60	16.00	\$420	\$6,720.00
Lisa Ells (LAE)	1.40	0.00	\$385	\$0.00
Katherine Mantoan (KGM)	2.70	0.00	\$370	\$0.00
Laura Boysen-Aragon (LBA)	1.00	0.00	\$365	\$0.00
Aaron Fischer (AJF)	52.60	52.60	\$365	\$19,199.00
Blake Thompson (BT)	68.60	67.60	\$350	\$23,660.00
Michael Freedman (MLF)	106.40	98.60	\$325	\$32,045.00
Sumana Cooppan (SC)	24.10	23.30	\$315	\$7,339.50
Kevin Jones (KEJ)	0.70	0.00	\$275	\$0.00
Raquel V. Dizon (RVD)	5.60	5.10	\$250	\$1,275.00
Karen Stilber (KES)	33.90	33.50	\$250	\$8,375.00
Carolina Casanas (CPC)	26.90	23.40	\$230	\$5,382.00
Elizabeth S. Hennessey (ESH)	12.50	12.20	\$205	\$2,501.00
Marc Shinn-Krantz (MSK)	0.60	0.00	\$205	\$0.00
Diana Ruslani (DAR)	0.50	0.00	\$215	\$0.00
Doris Tseng (DT)	1.40	0.00	\$205	\$0.00
Haruka Roudebush (HR)	3.70	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>45.00</u>	<u>41.70</u>	<u>\$205</u>	<u>\$8,548.50</u>
Total Hours:	517.40	486.50		
RBG UNDISPUTED FEES:				\$184,897.00
<u>BINGHAM MCCUTCHEN</u>				
<u>Tracey D. Berger (TB)</u>	<u>29.20</u>	<u>29.20</u>	<u>\$530</u>	<u>\$15,476.00</u>
Total Hours:	29.20	29.20		
BMc UNDISPUTED FEES:				\$15,476.00
<u>PRISON LAW OFFICE</u>				
<u>Susan Christian (SDC)</u>	<u>82.60</u>	<u>82.60</u>	<u>\$570</u>	<u>\$47,082.00</u>
Total Hours:	82.60	82.60		
PLO UNDISPUTED FEES:				\$47,082.00
TOTAL UNDISPUTED FEES FOR BPH MONITORING WORK:				\$247,455.00

Armstrong v. Brown

Summary of Undisputed Fees

4th Quarter - October 1, 2011 through December 31, 2011

Matter: BPH Fees

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<u>BPH FEES (581-4A)</u>				
<u>ROSEN, BIEN & GALVAN</u>				
Gay C. Grunfeld (GCG)	2.00	2.00	\$625	\$1,250.00
Kenneth M. Walczak (KMW)	0.60	0.00	\$420	\$0.00
Blake Thompson (BT)	1.10	1.10	\$350	\$385.00
Hugo Cabrera (HDC)	<u>11.50</u>	<u>11.00</u>	<u>\$205</u>	<u>\$2,255.00</u>
Total Hours:	15.20	14.10		
RBG UNDISPUTED FEES:				\$3,890.00
<u>BINGHAM MCCUTCHEN</u>				
Geoffrey T. Holtz (GH)	<u>0.20</u>	<u>0.20</u>	<u>\$680</u>	<u>\$136.00</u>
Total Hours:	0.20	0.20		
BMc UNDISPUTED FEES:				\$136.00
<u>PRISON LAW OFFICE</u>				
Edie DeGraff (ED)	<u>0.50</u>	<u>0.50</u>	<u>\$175</u>	<u>\$87.50</u>
Total Hours:	0.50	0.50		
PLO UNDISPUTED FEES:				\$87.50
TOTAL UNDISPUTED FEES FOR BPH FEES WORK:				\$4,113.50

Armstrong v. Brown

Fourth Quarterly Statement of 2011
October 1, 2011 to December 31, 2011

Costs

Matter: BPH Monitoring

Rosen, Bien & Galvan (581-4)

Undisputed Costs

Photocopying (In-house)	\$1,305.80
Photocopying (Outside)	\$2,825.75
Online Research - PACER	\$13.28
Lexis / Westlaw	\$946.34
Postage and Delivery	\$152.18
Interpreting and Translation Services	\$97.75
Telephone	\$0.90
Travel - Mileage, Tolls, Food	\$3,050.94
<u>Deposition Transcripts</u>	<u>\$195.00</u>

Total RBG Costs: \$8,587.94

Prison Law Office

Sue Christian Travel Expenses

\$620.46

Total PLO Costs: \$620.46

BINGHAM MCCUTCHEN

Travel - Mileage, Tolls, Food

\$694.59

\$694.59

TOTAL UNDISPUTED BPH MONITORING COSTS: \$9,902.99

EXHIBIT C

Armstrong v. Brown

Fourth Quarterly Statement of 2011

October 1, 2011 through December 31, 2011

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
DAPO MONITORING	\$44,747.00	\$1,899.48
DAPO FEES	<u>\$516.50</u>	<u>\$0.00</u>
TOTALS	\$45,263.50	\$1,899.48
	GRAND TOTAL:	\$47,162.98

Armstrong v. Brown

Summary of Undisputed Fees

4th Quarter - October 1, 2011 through December 31, 2011

Matter: DAPO Monitoring

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<u>DAPO MONITORING (581-9)</u>				
<u>ROSEN, BIEN & GALVAN</u>				
Michael Bien (MWB)	1.00	0.00	\$740	\$0.00
Gay C. Grunfeld (GCG)	7.60	6.40	\$625	\$4,000.00
Shirley Huey (SH)	0.60	0.00	\$440	\$0.00
Kenneth M. Walczak (KMW)	28.00	26.40	\$420	\$11,088.00
Lisa Ells (LAE)	0.30	0.00	\$385	\$0.00
Blake Thompson (BT)	0.50	0.00	\$350	\$0.00
Michael Freedman (MLF)	4.70	0.00	\$325	\$0.00
Sumana Cooppan (SC)	50.20	48.90	\$315	\$15,403.50
Karen Stilber (KES)	15.10	14.30	\$250	\$3,575.00
Diana Ruslani (DAR)	59.50	52.10	\$205	\$10,680.50
Haruka Roudebush (HR)	0.80	0.00	\$205	\$0.00
Marc Shinn-Krantz (MSK)	0.40	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>0.30</u>	<u>0.00</u>	<u>\$205</u>	<u>\$0.00</u>
Total Hours:	169.00	148.10		
RBG UNDISPUTED FEES:				\$44,747.00
TOTAL UNDISPUTED FOR DAPO MONITORING WORK:				\$44,747.00

Armstrong v. Brown

Summary of Undisputed Fees

4th Quarter - October 1, 2011 through December 31, 2011

Matter: DAPO Fees

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<u>DAPO FEES (581-10)</u>				
<u>ROSEN, BIEN & GALVAN</u>				
Kenneth M. Walczak (KMW)	0.40	0.40	\$420	\$168.00
<u>Hugo Cabrera (HDC)</u>	<u>1.70</u>	<u>1.70</u>	<u>\$205</u>	<u>\$348.50</u>
Total Hours:	2.10	2.10		
RBG UNDISPUTED FEES:				\$516.50
TOTAL UNDISPUTED FOR DAPO FEES WORK:				\$516.50

Armstrong v. Brown

Fourth Quarterly Statement of 2011
October 1, 2011 to December 31, 2011

Costs

Matter: DAPO Monitoring

Rosen, Bien & Galvan (581-9)

Undisputed Costs

Photocopying (in-house)	\$72.80
Photocopying (outside)	\$204.69
Postage & Delivery	\$44.64
Telephone	\$3.20
<u>Travel</u>	<u>\$1,574.15</u>

Total RBG Costs: \$1,899.48

TOTAL UNDISPUTED DAPO MONITORING COSTS: \$1,899.48