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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 FIRST QUARTER OF 2012**

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 April 23, 2012, Plaintiffs served on Defendants
5 their First Quarterly Statement for 2012 by overnight delivery. The parties completed their
6 meet-and-confer process on May 31, 2012 as to the number of hours and costs incurred on
7 all matters.

8 As a result of the May 31, 2012 agreement, the parties agree to the following:

9 The parties agree to the payment of \$787,825.63 for undisputed fees and costs
10 incurred during the First Quarter of 2012, for monitoring and fee collection activities in the
11 California Department of Corrections of Rehabilitation Division of Adult Operations and
12 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 \$329,419.97 for undisputed fees and costs
16 incurred during the First Quarter of 2012, for monitoring and fee collection activities in the
17 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 \$44,912.35 for undisputed fees and costs
21 incurred during the First Quarter of 2012, for monitoring and fee collection activities in the
22 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.

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

5 DATED: 6/13/2012

6
7 
8 THE HONORABLE CLAUDIA WILKEN
9 UNITED STATES DISTRICT JUDGE

10 APPROVED AS TO FORM:

11 /s/ Jay Russell

DATED: June 12, 2012

12 Jay Russell
13 Deputy Attorney General
14 Attorney for Defendants

15 /s/ Kenneth M. Walczak

DATED: June 8, 2012

16 Kenneth M. Walczak
17 Rosen, Bien & Galvan, LLP
18 Attorneys for Plaintiffs
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EXHIBIT A

Armstrong v. Brown
First Quarterly Statement of 2012
January 1, 2012 through March 31, 2012

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
CDCR/AOAP MONITORING	\$747,439.14	\$19,717.61
CDCR/AOAP FEES COLLECTION	<u>\$20,381.55</u>	<u>\$287.33</u>
TOTALS	\$767,820.69	\$20,004.94
	GRAND TOTAL:	\$787,825.63

Armstrong v. Brown

Summary of Undisputed Fees

1st Quarter 2012 - January 1, 2012 through March 31, 2012

Matter: CDCR/AOAP Monitoring/Merits**Monitoring (581-3)****ROSEN, BIEN & GALVAN**

	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>Claimed Fees</u>	<u>Withdrawn By Pltfs</u>	<u>Undisputed Hours</u>	<u>2012 Rates</u>	<u>Fees Now Owing</u>
Michael W. Bien (MWB)	13.80	13.80	\$10,488.00	0.28	13.52	\$760	\$10,278.24
Gay C. Grunfeld (GCG)	32.70	32.70	\$20,928.00	0.65	32.05	\$640	\$20,509.44
Ernest Galvan (EG)	1.60	1.30	\$793.00	0.03	1.27	\$610	\$777.14
Jane Kahn (JK)	2.90	0.00	\$0.00	0.00	0.00	\$570	\$0.00
Thomas Nolan (TN)	129.90	128.50	\$69,390.00	2.57	125.93	\$540	\$68,002.20
Shirley Huey (SH)	0.60	0.00	\$0.00	0.00	0.00	\$540	\$0.00
Kenneth M. Walczak (KMW)	3.00	0.00	\$0.00	0.00	0.00	\$460	\$0.00
Lisa Ells (LAE)	138.10	131.40	\$53,874.00	2.63	128.77	\$410	\$52,796.52
Aaron Fischer (AJF)	0.20	0.00	\$0.00	0.00	0.00	\$400	\$0.00
Laura Boysen-Aragon (LBA)	86.80	85.20	\$34,080.00	1.70	83.50	\$400	\$33,398.40
Blake Thompson (BT)	87.80	87.30	\$33,174.00	1.75	85.55	\$380	\$32,510.52
Michael Freedman (MLF)	178.00	172.70	\$62,172.00	3.45	169.25	\$360	\$60,928.56
Sumana Cooppan Wolf (SCW)	9.80	0.00	\$0.00	0.00	0.00	\$340	\$0.00
Kevin Jones (KEJ)	2.50	0.00	\$0.00	0.00	0.00	\$280	\$0.00
Karen Stilber (KES)	4.30	4.30	\$1,118.00	0.09	4.21	\$260	\$1,095.64
Josephine Weinberg (JBW)	36.90	36.90	\$9,594.00	0.74	36.16	\$260	\$9,402.12
Carolina Casanas (CPC)	0.10	0.00	\$0.00	0.00	0.00	\$240	\$0.00
Diana Ruslani (DAR)	12.90	10.90	\$2,343.50	0.22	10.68	\$215	\$2,296.63
Marc Shinn-Krantz (MSK)	122.40	114.00	\$24,510.00	2.28	111.72	\$215	\$24,019.80
Haruka Roudebush (HR)	281.40	240.30	\$51,664.50	4.81	235.49	\$215	\$50,631.21
Abigail Haney (AMH)	3.50	0.00	\$0.00	0.00	0.00	\$215	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>142.50</u>	<u>140.50</u>	<u>\$30,207.50</u>	<u>2.81</u>	<u>137.69</u>	<u>\$215</u>	<u>\$29,603.35</u>
Total Hours:	1,291.70	1,199.80	\$404,336.50	24.00	1,175.80		
RBG CLAIMED FEES:							\$396,249.77

PRISON LAW OFFICE

Donald Specter (DS)	10.50	10.50	\$8,032.50	0.21	10.29	\$765	\$7,871.85
Steve Fama (SF)	0.30	0.30	\$207.00	0.01	0.29	\$690	\$202.86
Sara Norman (SN)	1.10	1.10	\$632.50	0.02	1.08	\$575	\$619.85
Alison Hardy (AH)	0.30	0.30	\$166.50	0.01	0.29	\$555	\$163.17
Rebekah Evenson (RE)	187.70	187.70	\$95,727.00	3.75	183.95	\$510	\$93,812.46
Megan Hagler (MH)	137.60	137.60	\$61,920.00	2.75	134.85	\$450	\$60,681.60
Penny Godbold (PG)	154.40	154.40	\$69,480.00	3.09	151.31	\$450	\$68,090.40
Kelly Knapp (KK)	0.20	0.20	\$74.00	0.00	0.20	\$370	\$72.52
Corene Kendrick (CK)	138.50	138.50	\$62,325.00	2.77	135.73	\$450	\$61,078.50
Vincent Quan (VC)	94.10	94.10	\$17,879.00	1.88	92.22	\$190	\$17,521.42
Riley Doyle Evans (RDE)	57.50	57.50	\$10,925.00	1.15	56.35	\$190	\$10,706.50
Simon Woodard (SW)	42.10	42.10	\$7,999.00	0.84	41.26	\$190	\$7,839.02
Lauren Kelleher (LK)	42.10	42.10	\$7,999.00	0.84	41.26	\$190	\$7,839.02
Madeline Bailey (MB)	47.60	47.60	\$9,044.00	0.95	46.65	\$190	\$8,863.12
Viraj Talwar (VT)	20.30	20.30	\$3,857.00	0.41	19.89	\$190	\$3,779.86
<u>Brandy Siegler (BS)</u>	<u>5.50</u>	<u>5.50</u>	<u>\$605.00</u>	<u>0.11</u>	<u>5.39</u>	<u>\$110</u>	<u>\$592.90</u>
Total Hours:	939.80	939.80	\$356,872.50	18.80	921.00		
PLO CLAIMED FEES:							\$349,735.05

DISABILITY RIGHTS EDUCATION AND DEFENSE FUND

Linda Kilb (LDK)	1.60	1.60	\$984.00	0.03	1.57	\$615	\$964.32
<u>Hongyu Min (HM)</u>	<u>4.00</u>	<u>4.00</u>	<u>\$500.00</u>	<u>0.08</u>	<u>3.92</u>	<u>\$125</u>	<u>\$490.00</u>
Total Hours:	5.60	5.60	\$1,484.00	0.11	5.49		

DREDF CLAIMED FEES:**\$1,454.32****TOTAL CLAIMED MONITORING FEES:****\$747,439.14**

\$20,381.55

Armstrong v. Brown

Summary of Undisputed Costs

1st Quarter 2012 - January 1, 2012 through March 31, 2012

Costs***Matter: CDCR/AOAP Merits/Monitoring***

	Claimed	Withdrawn	Costs Now
<u>Rosen, Bien & Galvan (581-3)</u>	<u>Costs</u>	<u>By Pltfs</u>	<u>Owing</u>
Photocopying (In house)	\$1,881.80	\$37.64	\$1,844.16
Photocopying (Outside)	\$1,458.63	\$29.17	\$1,429.46
Lexis / Westlaw	\$26.58	\$0.53	\$26.05
Online Research - PACER	\$5.92	\$0.12	\$5.80
Postage & Delivery	\$973.76	\$19.48	\$954.28
Travel - Mileage, Tolls, Food	\$6,544.78	\$130.90	\$6,413.88
Telephone	\$61.20	\$1.22	\$59.98
Expert, Paul Bishop	\$620.00	\$12.40	\$607.60
<u>Interpreting and Translation Services</u>	<u>\$600.00</u>	<u>\$12.00</u>	<u>\$588.00</u>
Total RBG Costs:	\$12,172.67	\$243.45	\$11,929.22

Prison Law Office

Photocopying (In house)	\$1,838.90	\$36.78	\$1,802.12
Postage & Delivery	\$29.35	\$0.59	\$28.76
Travel - Mileage, Tolls, Food	\$4,771.67	\$95.43	\$4,676.24
Pacer	\$8.48	\$0.17	\$8.31
Interpreting and Translation Services	\$754.00	\$15.08	\$738.92
<u>Expert, Paul Bishop</u>	<u>\$387.50</u>	<u>\$7.75</u>	<u>\$379.75</u>
Total PLO Costs:	\$7,789.90	\$155.80	\$7,634.10

Disability Rights Education & Defense Fund, Inc.

Photocopying (in-house)	\$120.40	\$2.41	\$117.99
Postage & Delivery	\$35.20	\$0.70	\$34.50
<u>Online Research - PACER</u>	<u>\$1.84</u>	<u>\$0.04</u>	<u>\$1.80</u>
Total DREDF Costs:	\$157.44	\$3.15	\$154.29

TOTAL CLAIMED MONITORING COSTS:**\$19,717.61****Armstrong v. Brown**

Summary of Undisputed Costs

1st Quarter 2012 - January 1, 2012 through March 31, 2012

Costs***Matter: CDCR/AOAP Fees Work***

	Claimed	Withdrawn	Costs Now
<u>Rosen, Bien & Galvan (581-2)</u>	<u>Costs</u>	<u>By Pltfs</u>	<u>Owing</u>
Photocopying (in-house)	\$69.60	\$1.39	\$68.21
Photocopying (Outside)	\$84.19	\$1.68	\$82.51
Online Research - PACER	\$0.48	\$0.01	\$0.47
Lexis / Westlaw	\$67.76	\$1.36	\$66.40
Telephone	\$0.15	\$0.00	\$0.15
<u>Postage & Delivery</u>	<u>\$71.01</u>	<u>\$1.42</u>	<u>\$69.59</u>
Total RBG Costs:	\$293.19	\$5.86	\$287.33

TOTAL CLAIMED FEES COSTS :**\$287.33**

EXHIBIT B

Armstrong v. Brown

First Quarterly Statement of 2012

January 1, 2012 through March 31, 2012

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
BPH MONITORING	\$320,971.56	\$6,007.23
BPH FEES	<u>\$2,441.18</u>	<u>\$0.00</u>
TOTALS	\$323,412.74	\$6,007.23
	GRAND TOTAL:	\$329,419.97

\$320,971.56

\$2,441.18

Armstrong v. Brown

Summary of Undisputed Costs

1st Quarter 2012 - January 1, 2012 through March 31, 2012

Costs***Matter: BPH Monitoring***

	Claimed	Withdrawn	Costs Now
	<u>Costs</u>	<u>By Pltfs</u>	<u>Owing</u>
<u>Rosen, Bien & Galvan (581-4)</u>			
Photocopying (In-house)	\$1,415.80	\$28.32	\$1,387.48
Photocopying (Outside)	\$82.88	\$1.66	\$81.22
Online Research - PACER	\$9.84	\$0.20	\$9.64
Lexis / Westlaw	\$1,958.71	\$39.17	\$1,919.54
Postage and Delivery	\$198.59	\$3.97	\$194.62
Interpreting and Translation Services		\$0.00	\$0.00
Telephone	\$7.75	\$0.16	\$7.60
<u>Travel - Mileage, Tolls, Food</u>	<u>\$2,252.49</u>	<u>\$45.05</u>	<u>\$2,207.44</u>
Total RBG Costs:	\$5,926.06	\$118.52	\$5,807.54
 <u>Prison Law Office</u>			
<u>Sue Christian Travel Expenses</u>	<u>\$74.37</u>	<u>\$1.49</u>	<u>\$72.88</u>
Total PLO Costs:	\$74.37	\$1.49	\$72.88
 <u>BINGHAM MCCUTCHEN</u>			
<u>Travel - Mileage, Tolls, Food</u>	<u>\$129.40</u>	<u>\$2.59</u>	<u>\$126.81</u>
Total BMc Costs:	\$129.40	\$2.59	\$126.81
 TOTAL CLAIMED BPH MONITORING COSTS:			\$6,007.23

EXHIBIT C

Armstrong v. Brown
First Quarterly Statement of 2012
January 1, 2012 through March 31, 2012

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>FEES</u>	<u>COSTS</u>
DAPO MONITORING	\$43,102.36	\$1,809.99
DAPO FEES	<u>\$0.00</u>	<u>\$0.00</u>
TOTALS	\$43,102.36	\$1,809.99
	GRAND TOTAL:	\$44,912.35

Armstrong v. Brown

Summary of Undisputed Fees

1st Quarter 2012 - January 1, 2012 through March 31, 2012

Matter: DAPO Monitoring***Matter: DAPO Monitoring*****DAPO Monitoring (581-9)**

	<u>Actual</u> <u>Hours</u>	<u>Claimed</u> <u>Hours</u>	<u>Claimed</u> <u>Fees</u>	<u>Withdrawn</u> <u>By Pltfs</u>	<u>Undisputed</u> <u>Hours</u>	<u>2012</u> <u>Rates</u>	<u>Fees Now</u> <u>Owing</u>
<u>ROSEN, BIEN & GALVAN</u>							
Michael Bien (MWB)	0.60	0.60	\$456.00	0.01	0.59	\$760	\$446.88
Gay C. Grunfeld (GCG)	1.50	1.50	\$960.00	0.03	1.47	\$640	\$940.80
Shirley Huey (SH)	0.80	0.00	\$0.00	0.00	0.00	\$470	\$0.00
Kenneth M. Walczak (KMW)	28.30	26.90	\$12,374.00	0.54	26.36	\$460	\$12,126.52
Lisa Ells (LAE)	0.30	0.00	\$0.00	0.00	0.00	\$410	\$0.00
Laura Boysen-Aragon	1.30	0.00	\$0.00	0.00	0.00	\$400	\$0.00
Blake Thompson (BT)	4.30	4.00	\$1,520.00	0.08	3.92	\$380	\$1,489.60
Michael Freedman (MLF)	10.20	9.40	\$3,384.00	0.19	9.21	\$360	\$3,316.32
Sumana Cooppan Wolf (SCW)	35.30	33.80	\$11,492.00	0.68	33.12	\$340	\$11,262.16
Karen Stilber (KES)	9.40	9.40	\$2,444.00	0.19	9.21	\$260	\$2,395.12
Diana Ruslani (DAR)	57.10	52.80	\$11,352.00	1.06	51.74	\$215	\$11,124.96
Haruka Roudebush (HR)	0.30	0.00	\$0.00	0.00	0.00	\$215	\$0.00
<u>Marc Shinn-Krantz (MSK)</u>	<u>0.10</u>	<u>0.00</u>	<u>\$0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$215</u>	<u>\$0.00</u>
Total Hours:	149.50	138.40	\$43,982.00	2.77	135.63		

RBG CLAIMED FEES:**\$43,102.36****TOTAL CLAIMED FOR DAPO MONITORING WORK:****\$43,102.36**

Armstrong v. Brown

Summary of Undisputed Costs

1st Quarter 2012 - January 1, 2012 through March 31, 2012

Costs***Matter: DAPO Monitoring***

	Claimed	Withdrawn	Costs Now
<u>Rosen, Bien & Galvan (581-9)</u>	<u>Costs</u>	<u>By Pltfs</u>	<u>Owing</u>
Photocopying (in-house)	\$218.60	\$4.37	\$214.23
Photocopying (outside)	\$19.52	\$0.39	\$19.13
Postage & Delivery	\$326.77	\$6.54	\$320.23
Telephone	\$2.25	\$0.05	\$2.21
<u>Travel - Mileage, Tolls, Food</u>	<u>\$1,279.79</u>	<u>\$25.60</u>	<u>\$1,254.19</u>
Total RBG Costs:	\$1,846.93	\$36.94	\$1,809.99
 TOTAL CLAIMED DAPO MONITORING COSTS:			 \$1,809.99