

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

GEOFFREY T. HOLTZ – 191370
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 C. GRUNFELD – 121944
BLAKE THOMPSON – 255600
MICHAEL FREEDMAN – 262850
ROSEN BIEN GALVAN &
GRUNFELD 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~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE FOURTH 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 January 30, 2013, Plaintiffs served on Defendants
5 their Fourth Quarterly Statement for 2012 by overnight delivery. The parties completed
6 their meet-and-confer process on March 14, 2013 as to the fees and costs incurred on all
7 matters.

8 As a result of the March 14, 2013 agreement, the parties agree to the following:

9 The parties agree to the payment of \$746,118.74 for undisputed fees and costs
10 incurred during the Fourth Quarter of 2012, for monitoring and/or litigation 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 \$224,425.74 for undisputed fees and costs
16 incurred during the Fourth Quarter of 2012, for monitoring and/or litigation 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 \$44,141.66 for undisputed fees and costs
21 incurred during the Fourth Quarter of 2012, for monitoring and/or litigation 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 The parties agree to the payment of \$15,227.69 for undisputed fees and costs
26 incurred during the Fourth Quarter of 2012, for activities in the Appeal of the August 28,
27 2012 Order portion of the case. Attached hereto as **Exhibit D** are charts setting forth the
28 fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these

1 claims.

2 The parties agree to the payment of \$19,260.14 for undisputed fees and costs
3 incurred during the Fourth Quarter of 2012, for fees on fees. Attached hereto as **Exhibit E**
4 are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to
5 by the parties to settle these claims.

6 IT IS HEREBY ORDERED that the amounts set forth above are due and
7 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
8 and costs will run from November 30, 2012, accruing at the rate provided by 28 U.S.C.
9 § 1961.

10

11 DATED: 3/22/2013

12

13

14

15

16 APPROVED AS TO FORM:

17

18 DATED: March 21, 2013

19

20

21 DATED: March 21, 2013

22

23

24

25

26

27

28



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

/s/ Jay M. Goldman

Jay M. Goldman
Deputy Attorney General
Attorney for Defendants

/s/ Blake Thompson

Blake Thompson
Rosen Bien Galvan & Grunfeld LLP
Attorneys for Plaintiffs

Exhibit A

Armstrong v. Brown

Fourth Quarterly Statement of 2012

October 1, 2012 through December 31, 2012

CDCR/AOAP SUMMARY OF CLAIMED FEES AND COSTS

<u>MATTER</u>	<u>CLAIMED FEES</u>	<u>CLAIMED COSTS</u>
CDCR/AOAP MONITORING	\$724,859.33	\$21,259.41
TOTALS	\$724,859.33	\$21,259.41
GRAND TOTAL CLAIMED:		\$746,118.73

Armstrong v. Brown

Fourth Quarterly Statement of 2012

October 1, 2012 through December 31, 2012

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

	Actual Hours	Claimed Hours	Claimed Fees	Withdrawn By Pltfs	Undisputed Hours	2012 Rates	Total
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>							
Michael W. Bien (MWB)	10.80	10.50	\$7,980.00	0.47	10.03	\$760	\$7,620.90
Gay C. Grunfeld (GCG)	24.20	23.60	\$15,104.00	1.06	22.54	\$640	\$14,424.32
Jane E. Kahn (JK)	2.90	2.30	\$1,311.00	0.10	2.20	\$570	\$1,252.01
Thomas Nolan (TN)	218.75	218.25	\$117,855.00	9.82	208.43	\$540	\$112,551.53
Kenneth M. Walczak (KMW)	0.30	0.00	\$0.00	0.00	0.00	\$460	\$0.00
Lisa Ells (LAE)	88.90	76.10	\$31,201.00	3.42	72.68	\$410	\$29,796.96
Laura Boysen-Aragon (LBA)	9.60	9.60	\$3,840.00	0.43	9.17	\$400	\$3,667.20
Blake Thompson (BT)	104.80	103.30	\$39,254.00	4.65	98.65	\$380	\$37,487.57
Michael Freedman (MLF)	221.20	204.60	\$73,656.00	9.21	195.39	\$360	\$70,341.48
Sumana Cooppan Wolf (SCW)	12.20	0.00	\$0.00	0.00	0.00	\$340	\$0.00
Krista Stone-Manista (KSM)	99.80	50.70	\$17,238.00	2.28	48.42	\$340	\$16,462.29
Kevin Jones (KEJ)	0.20	0.00	\$0.00	0.00	0.00	\$280	\$0.00
Rolayn Tauben (RLT)	160.80	125.70	\$35,196.00	5.66	120.04	\$280	\$33,612.18
Karen Stilber (KES)	4.70	0.00	\$0.00	0.00	0.00	\$260	\$0.00
Diana Ruslani (DAR)	12.30	0.00	\$0.00	0.00	0.00	\$215	\$0.00
Marc Shinn-Krantz (MSK)	124.10	115.50	\$24,832.50	5.20	110.30	\$215	\$23,715.04
Haruka Roudebush (HR)	282.00	225.20	\$48,418.00	10.13	215.07	\$215	\$46,239.19
Doris Tseng (DT)	1.30	0.00	\$0.00	0.00	0.00	\$215	\$0.00
Lucy Taylor (LRT)	147.50	135.90	\$29,218.50	6.12	129.78	\$215	\$27,903.67
Total Hours:	1,526.35	1,301.25	\$445,104.00	58.56	1242.69		

RBGG UNDISPUTED FEES:**\$425,074.32****PRISON LAW OFFICE**

Donald Specter (DS)	5.80	5.80	\$4,437.00	0.26	5.54	\$765	\$4,237.34
Steve Fama (SF)	0.20	0.20	\$138.00	0.01	0.19	\$690	\$131.79
Sara Norman (SN)	0.20	0.20	\$115.00	0.01	0.19	\$575	\$109.83
Millard Murphy (MM)	39.10	39.10	\$21,700.50	1.76	37.34	\$555	\$20,723.98
Alison Hardy (AH)	0.20	0.20	\$111.00	0.01	0.19	\$555	\$106.01
Rebekah Evenson (RE)	107.80	107.80	\$54,978.00	4.85	102.95	\$510	\$52,503.99
Megan Hagler (MH)	103.00	103.00	\$46,350.00	4.64	98.37	\$450	\$44,264.25
Penny Godbold (PG)	194.60	194.60	\$87,570.00	8.76	185.84	\$450	\$83,629.35
Corene Kendrick (CK)	80.90	80.90	\$36,405.00	3.64	77.26	\$450	\$34,766.78
Madeline Bailey (MB)	58.90	58.90	\$11,191.00	2.65	56.25	\$190	\$10,687.41
Sheena Green (SG)	13.50	13.50	\$2,565.00	0.61	12.89	\$190	\$2,449.58
Lauren Kelleher (LK)	14.70	14.70	\$2,793.00	0.66	14.04	\$190	\$2,667.32
Kelly Nguyen (KN)	60.20	60.20	\$11,438.00	2.71	57.49	\$190	\$10,923.29
Marley Williams (MW)	4.70	4.70	\$893.00	0.21	4.49	\$190	\$852.82
Alex Pauley	64.40	64.40	\$12,236.00	2.90	61.50	\$190	\$11,685.38
Fatinha Santos (FS)	89.60	89.60	\$17,024.00	4.03	85.57	\$190	\$16,257.92
Jessica Bendit (JB)	8.10	8.10	\$1,539.00	0.36	7.74	\$190	\$1,469.75
Total Hours:	845.90	845.90	\$311,483.50	38.07	807.83		

PLO UNDISPUTED FEES:**\$297,466.74****DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND**

Linda Kilb (LDK)	3.50	3.50	\$2,152.50	0.16	3.34	\$615	\$2,055.64
Hongyu Min (HM)	2.2	2.20	\$275.00	0.10	2.10	\$125	\$262.63
Total Hours:	5.70	5.70	\$2,427.50	0.26	5.44		

DREDF UNDISPUTED FEES:**\$2,318.26****TOTAL UNDISPUTED CDCR/AOAP
MONITORING FEES:****\$724,859.33**

Armstrong v. Brown

Fourth Quarterly Statement of 2012
 October 1, 2012 through December 31, 2012

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

	Costs	Withdrawn by Plaintiffs	Costs Now Owing
<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>			
Photocopying (In house)	\$2,477.20	\$111.47	\$2,365.73
Photocopying (Outside)	\$1,547.54	\$69.64	\$1,477.90
Lexis / Westlaw	\$73.61	\$3.31	\$70.30
Online Research - PACER	\$2.20	\$0.10	\$2.10
Postage & Delivery	\$649.27	\$29.22	\$620.05
Travel - Mileage, Tolls, Food	\$8,574.93	\$385.87	\$8,189.06
Telephone	\$14.30	\$0.64	\$13.66
Facsimile	\$4.00	\$0.18	\$3.82
Total Undisputed RBGG Costs:			\$12,742.61

<u>Prison Law Office</u>	<u>Costs</u>		
Photocopying (In house)	\$1,212.20	\$54.55	\$1,157.65
Postage & Delivery	\$427.36	\$19.23	\$408.13
Travel - Mileage, Tolls, Food	\$6,914.25	\$311.14	\$6,603.11
Expert Services	\$232.50	\$10.46	\$222.04
Total Undisputed PLO Costs:			\$8,390.93

<u>Disability Rights Education & Defense Fund, Inc.</u>			
Photocopying (in-house)	\$104.60	\$4.71	\$99.89
Postage & Delivery	\$26.80	\$1.21	\$25.59
Online Research - PACER	\$0.40	\$0.02	\$0.38
Total Undisputed DREDF Costs:			\$125.87

TOTAL UNDISPUTED CDCR/AOAP MERITS/MONITORING COSTS: \$21,259.41

Exhibit B

Armstrong v. Brown

Fourth Quarterly Statement of 2012

October 1, 2012 through December 31, 2012

BPH SUMMARY OF CLAIMED FEES AND COSTS

<u>MATTER</u>	<u>CLAIMED FEES</u>	<u>CLAIMED COSTS</u>
BPH MONITORING	\$220,148.51	\$4,277.23
TOTALS	\$220,148.51	\$4,277.23
	GRAND TOTAL CLAIMED:	\$224,425.74

Armstrong v. Brown

Fourth Quarterly Statement of 2012
 October 1, 2012 through December 31, 2012

Costs***Matter: BPH Monitoring***

	<u>Costs</u>	Withdrawn by Plaintiffs	Costs Now Owing
<u>Rosen, Bien, Galvan & Grunfeld (581-4)</u>			
Photocopying (In-house)	\$411.60	\$18.52	\$393.08
Photocopying (Outside)	\$69.42	\$3.12	\$66.30
Online Research - PACER and Legislative History	\$3.00	\$0.14	\$2.87
Lexis / Westlaw	\$51.80	\$2.33	\$49.47
Postage and Delivery	\$14.45	\$0.65	\$13.80
Telephone	\$13.35	\$0.60	\$12.75
Fax	\$16.00	\$0.72	\$15.28
Travel - Mileage, Tolls, Food	\$3,474.03	\$156.33	\$3,317.70
Total Undisputed RBGG Costs:			\$3,871.24
 <u>Prison Law Office</u>			
Travel - Mileage, Tolls, Food	\$425.13	\$19.13	\$406.00
Total Undisputed PLO Costs:			\$406.00
 TOTAL UNDISPUTED BPH MONITORING COSTS:			\$4,277.23

Exhibit C

Armstrong v. Brown

Fourth Quarterly Statement of 2012

October 1, 2012 through December 31, 2012

DAPO SUMMARY OF CLAIMED FEES AND COSTS

<u>MATTER</u>	<u>CLAIMED FEES</u>	<u>CLAIMED COSTS</u>
DAPO MONITORING	\$42,624.99	\$1,516.67
TOTALS	\$42,624.99	\$1,516.67
GRAND TOTAL CLAIMED:		\$44,141.67

Armstrong v. Brown

Fourth Quarterly Statement of 2012
 October 1, 2012 through December 31, 2012

Costs***Matter: DAPO Monitoring***

	<u>Costs</u>	Withdrawn by Plaintiffs	Costs Now Owing
<u>Rosen, Bien, Galvan & Grunfeld (581-9)</u>			
Photocopying (in-house)	\$48.00	\$2.16	\$45.84
Photocopying (outside)	\$534.21	\$24.04	\$510.17
Postage & Delivery	\$304.04	\$13.68	\$290.36
Telephone	\$12.45	\$0.56	\$11.89
Travel - Mileage, Tolls, Food	\$689.44	\$31.02	\$658.42
Total Undisputed RBGG Costs:			\$1,516.67
TOTAL UNDISPUTED DAPO MONITORING COSTS:			\$1,516.67

Exhibit D

Armstrong v. Brown

Fourth Quarterly Statement of 2012

October 1, 2012 through December 31, 2012

8/28/2012 ORDER APPEAL SUMMARY OF CLAIMED FEES AND COSTS

<u>MATTER</u>	<u>CLAIMED FEES</u>	<u>CLAIMED COSTS</u>
8/28/12 ORDER APPEAL	<u>\$15,152.03</u>	<u>\$75.66</u>
TOTALS	\$15,152.03	\$75.66
GRAND TOTAL CLAIMED:		\$15,227.69

Matter: Appeal 8/28/12 Order

<u>Rosen, Bien, Galvan & Grunfeld (581-17)</u>	<u>Costs</u>	Withdrawn by Plaintiffs	Costs Now Owing
Photocopying (In house)	\$26.60	\$1.20	\$25.40
Photocopying (outside)	\$32.46	\$1.46	\$31.00
Lexis / Westlaw	\$20.17	\$0.91	\$19.26
Total Undisputed RBGG Costs:			\$75.66
TOTAL UNDISPUTED 8/28/12 Appeal Order COSTS:			\$75.66

Exhibit E

Armstrong v. Brown

Fourth Quarterly Statement of 2012

October 1, 2012 through December 31, 2012

SUMMARY OF CLAIMED FEES WORK AND COSTS

	<u>CLAIMED FEES</u>	<u>CLAIMED COSTS</u>
FEES WORK (ALL MATTERS)	\$18,951.02	\$309.12
GRAND TOTAL CLAIMED:		\$19,260.14

Armstrong v. Brown

Fourth Quarterly Statement of 2012
 October 1, 2012 through December 31, 2012

Costs***Matter: Fees Work in All Matters***

	<u>Costs</u>	Withdrawn by Plaintiffs	Costs Now Owing
<u>Rosen, Bien, Galvan & Grunfeld (581-2)</u>			
Photocopying and Printing (in-house)	\$226.60	\$10.20	\$216.40
Telephone	\$0.40	\$0.02	\$0.38
Postage & Delivery	\$26.69	\$1.20	\$25.49
Total Undisputed RBGG Costs:			\$242.27

Disability Rights Education & Defense Fund, Inc.

	<u>Costs</u>		
Photocopying (in-house)	\$70.00	\$3.15	\$66.85
Total DREDF Costs:	\$70.00		\$66.85

TOTAL UNDISPUTED FEES WORK COSTS : \$309.12