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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~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE THIRD QUARTER OF 2013

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 October 23, 2013 Plaintiffs served on Defendants
5 their Third Quarterly Statement for 2013 by overnight delivery. The parties completed
6 their meet-and-confer process on January 15, 2014 as to the fees and costs incurred on all
7 matters.

8 As a result of the January 15, 2014 agreement, the parties agree to the following:

9 The parties agree to the payment of \$599,390.06 for undisputed fees and costs
10 incurred during the Third Quarter of 2013, for monitoring and/or litigation 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 \$184,300.61 for undisputed fees and costs
16 incurred during the Third Quarter of 2013, for monitoring and/or litigation 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 \$47,810.86 for undisputed fees and costs
21 incurred during the Third Quarter of 2013, for monitoring and/or litigation 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.


25 The parties agree to the payment of \$1,637.33 for undisputed fees and costs
26 incurred during the Third Quarter of 2013, for activities in the County Jail Appeal portion
27 of the case. Attached hereto as **Exhibit D** are charts setting forth the fees and costs
28 claimed by Plaintiffs and the amounts agreed to by the parties to settle these claims.

1 The parties agree to the payment of \$1,798.35 for undisputed fees and costs
2 incurred during the Third Quarter of 2013, for activities in the Appeal of the August 28,
3 2012 Order portion of the case. Attached hereto as **Exhibit E** are charts setting forth the
4 fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these
5 claims.

6 The parties agree to the payment of \$16,068.59 for undisputed fees and costs
7 incurred during the Third Quarter of 2013, for fees on fees. Attached hereto as **Exhibit F**
8 are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to
9 by the parties to settle these claims.

10 IT IS HEREBY ORDERED that the amounts set forth above are due and
11 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
12 and costs will run from November 22, 2013, accruing at the rate provided by 28 U.S.C.
13 § 1961.

14
15 DATED: 1/28/2014

16
17 
18 THE HONORABLE CLAUDIA WILKEN
19 UNITED STATES DISTRICT JUDGE

20 APPROVED AS TO FORM:

21
22 DATED: January 27, 2014 /s/ Jay M. Goldman
23 Jay M. Goldman
24 Deputy Attorney General
Attorney for Defendants

25 DATED: January 23, 2014 /s/ Blake Thompson
26 Blake Thompson
27 Rosen Bien Galvan & Grunfeld LLP
28 Attorneys for Plaintiffs

Exhibit A

Armstrong v. Brown
Third Quarterly Statement of 2013
July 1, 2013 through September 30, 2013

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$585,900.63	\$13,489.43
	TOTAL:	\$599,390.06

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2013 through September 30, 2013
Matter: CDCR/AOAP Monitoring/Merits

Monitoring (581-3)

	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>Claimed Fees</u>	<u>Withdrawn By Pltfs</u>	<u>Undisputed Hours</u>	<u>2013 Rates</u>	<u>Total</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>							
Michael W. Bien (MWB)	5.40	5.40	\$4,212.00	0.27	5.13	\$780	\$4,001.40
Gay C. Grunfeld (GCG)	49.50	49.50	\$32,670.00	2.48	47.03	\$660	\$31,036.50
Ernest Galvan (EG)	0.70	0.00	\$0.00	0.00	0.00	\$610	\$0.00
Thomas Nolan (TN)	198.90	195.80	\$107,690.00	9.79	186.01	\$550	\$102,305.50
Kenneth M. Walczak (KMW)	0.10	0.00	\$0.00	0.00	0.00	\$480	\$0.00
Lisa Ells (LAE)	2.90	2.80	\$1,260.00	0.14	2.66	\$450	\$1,197.00
Kathryn Mantoan (KGM)	0.10	0.00	\$0.00	0.00	0.00	\$445	\$0.00
Blake Thompson (BT)	4.70	4.50	\$1,957.50	0.23	4.28	\$435	\$1,859.63
Michael Freedman (MLF)	31.50	27.60	\$11,178.00	1.38	26.22	\$405	\$10,619.10
Krista Stone-Manista (KSM)	27.20	27.20	\$10,200.00	1.36	25.84	\$375	\$9,690.00
Kevin Jones (KEJ)	1.30	0.00	\$0.00	0.00	0.00	\$280	\$0.00
Rolayn Tauben (RLT)	211.10	198.50	\$55,580.00	9.93	188.58	\$280	\$52,801.00
Karen Stilber (KES)	4.20	0.00	\$0.00	0.00	0.00	\$260	\$0.00
Diana Ruslani (DAR)	66.00	65.50	\$14,410.00	3.28	62.23	\$220	\$13,689.50
Haruka Roudebush (HR)	292.00	262.00	\$57,640.00	13.10	248.90	\$220	\$54,758.00
Lucy Taylor (LRT)	226.90	210.40	\$46,288.00	10.52	199.88	\$220	\$43,973.60
Total Hours:	1,122.50	1,049.20	\$343,085.50	52.46	996.74		\$325,931.23
RBGG UNDISPUTED FEES:							

PRISON LAW OFFICE

Donald Specter (DS)	2.20	2.20	\$1,716.00	0.11	2.09	\$780	\$1,630.20
Steve Fama (SF)	0.40	0.40	\$290.00	0.02	0.38	\$725	\$275.50
Sara Norman (SN)	3.50	3.50	\$2,100.00	0.18	3.33	\$600	\$1,995.00
Rebekah Evenson (RE)	75.50	75.50	\$41,525.00	3.78	71.73	\$550	\$39,448.75
Penny Godbold (PG)	175.20	175.20	\$83,220.00	8.76	166.44	\$475	\$79,059.00
Corene Kendrick (CK)	29.00	29.00	\$13,775.00	1.45	27.55	\$475	\$13,086.25
Kelly Knapp (KK)	90.80	90.80	\$36,320.00	4.54	86.26	\$400	\$34,504.00
Emily Rose Johns (ERJ)	24.90	24.90	\$7,470.00	1.25	23.66	\$300	\$7,096.50
Meredith Gallen (MG)	53.50	53.50	\$16,050.00	2.68	50.83	\$300	\$15,247.50
Megan Lynch (ML)	71.70	71.70	\$15,774.00	3.59	68.12	\$220	\$14,985.30
Madeline Bailey (MB)	5.30	5.30	\$1,166.00	0.27	5.04	\$220	\$1,107.70
Joyce de la Pena (JP)	24.70	24.70	\$5,434.00	1.24	23.47	\$220	\$5,162.30
Natalie Patrucci (NP)	70.80	70.80	\$15,576.00	3.54	67.26	\$220	\$14,797.20
Sarah Hopkins (SH)	34.40	34.40	\$7,568.00	1.72	32.68	\$220	\$7,189.60
Viviana Arcia (VA)	47.30	47.30	\$10,406.00	2.37	44.94	\$220	\$9,885.70
Jessica Bendit (JB)	67.40	67.40	\$14,828.00	3.37	64.03	\$220	\$14,086.60
Total Hours:	776.60	776.60	\$273,218.00	38.83	737.77		\$259,557.10
PLO UNDISPUTED FEES:							

**DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND**

Hongyu Min (HM)	3.2	3.10	\$434.00	0.16	2.95	\$140	\$412.30
Total Hours:	3.20	3.10	\$434.00	0.16	2.95		\$412.30
DREDF UNDISPUTED FEES:							

**TOTAL UNDISPUTED CDCR/AOAP
MONITORING FEES:****\$585,900.63**

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2012 through September 30, 2013

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

	Costs	Withdrawn by Plaintiffs	Costs Now Owing
<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>			
Photocopying (In house)	\$1,394.20	\$69.71	\$1,324.49
Photocopying (Outside)	\$1,929.66	\$96.48	\$1,833.18
Online Research - PACER	\$3.20	\$0.16	\$3.04
Postage & Delivery	\$653.30	\$32.67	\$620.64
Travel - Mileage, Tolls, Food	\$557.99	\$27.90	\$530.09
Telephone	\$5.75	\$0.29	\$5.46
Interpretation and Translation Services	\$980.26	\$49.01	\$931.25
Total RBGG Costs:	\$5,524.36		\$5,248.14
<u>Prison Law Office</u>			
Photocopying (In house)	\$2,212.80	\$110.64	\$2,102.16
Postage & Delivery	\$584.89	\$29.24	\$555.65
Travel - Mileage, Tolls, Food	\$4,672.52	\$233.63	\$4,438.89
Interpreting and Translation Services	\$901.03	\$45.05	\$855.98
Total PLO Costs:	\$8,371.24		\$7,952.68
<u>Disability Rights Education & Defense Fund, Inc.</u>			
Photocopying (in-house)	\$253.40	\$12.67	\$240.73
Postage & Delivery	\$50.30	\$2.52	\$47.79
Online Research - PACER	\$0.10	\$0.01	\$0.10
Total DREDF Costs:	\$303.80		\$288.61
TOTAL UNDISPUTED CDCR/AOAP MERITS/MONITORING COSTS:			\$13,489.43

Exhibit B

Armstrong v. Brown
Third Quarterly Statement of 2013
July 1, 2013 through September 30, 2013

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$179,922.37	\$4,378.24
	TOTAL:	\$184,300.61

\$179,922.37

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2012 through September 30, 2013

Costs***Matter: BPH***

	Costs	Withdrawn by Plaintiffs	Costs Now Owing
<u>Rosen, Bien, Galvan & Grunfeld (581-4)</u>			
Photocopying (In-house)	\$249.00	\$23.23	\$225.77
Photocopying (Outside)	\$500.33	\$46.68	\$453.65
Online Research - PACER and Legislative History	\$0.30	\$0.03	\$0.27
Lexis / Westlaw	\$652.76	\$60.90	\$591.86
Postage and Delivery	\$175.35	\$16.36	\$158.99
Telephone	\$15.45	\$1.44	\$14.01
Fax	\$2.00	\$0.19	\$1.81
Travel - Mileage, Tolls, Food	\$2,107.42	\$196.62	\$1,910.80
Total RBGG Costs:	\$3,702.61		\$3,357.16
 <u>Prison Law Office</u>			
Travel - Mileage, Tolls, Food	\$1,126.15	\$105.07	\$1,021.08
Total PLO Costs:	\$1,126.15		\$1,021.08
 TOTAL UNDISPUTED BPH COSTS:			\$4,378.24

Exhibit C

Armstrong v. Brown

Third Quarterly Statement of 2013
July 1, 2013 through September 30, 2013

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
DAPO MONITORING	\$44,704.15	\$3,106.71
	TOTAL:	\$47,810.86

\$44,704.15

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2012 through September 30, 2013

Costs***Matter: DAPO Monitoring*****Rosen, Bien, Galvan & Grunfeld (581-9)**

	Costs	Withdrawn by Plaintiffs	Costs Now Owing
Photocopying (in-house)	\$136.00	\$6.80	\$129.20
Photocopying (outside)	\$420.44	\$21.02	\$399.42
Online Research - PACER and Legislative History	\$3.10	\$0.16	\$2.95
Telephone	\$3.50	\$0.18	\$3.33
Travel - Mileage, Tolls, Food	\$2,707.18	\$135.36	\$2,571.82
Total RBGG Costs:	\$3,270.22		\$3,106.71

TOTAL UNDISPUTED DAPO MONITORING COSTS:**\$3,106.71**

Exhibit D

Armstrong v. Brown
Second Quarterly Statement of 2013
April 1, 2013 through June 30, 2013

COUNTY JAIL APPEAL SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
COUNTY JAIL APPEAL	\$1,637.33	\$0.00
	TOTAL:	\$1,637.33

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2013 through September 30, 2013
Matter: COUNTY JAIL APPEAL

County Jail Appeal (581-16)

	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>Claimed Fees</u>	<u>Withdrawn By Pltfs</u>	<u>Undisputed Hours</u>	<u>2013 Rates</u>	<u>Total</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>							
Michael Bien (MWB)	0.50	0.50	\$390.00	0.03	0.48	\$780	\$370.50
Gay C. Grunfeld (GCG)	0.90	0.90	\$594.00	0.05	0.86	\$660	\$564.30
Kathryn Mantoan (KGM)	0.20	0.00	\$0.00	0.00	0.00	\$445	\$0.00
Blake Thompson (BT)	1.70	1.70	\$739.50	0.09	1.62	\$435	\$702.53
Margot Mendelson (MKM)	0.20	0.00	\$0.00	0.00	0.00	\$375	\$0.00
Karen Stilber (KES)	0.20	0.00	\$0.00	0.00	0.00	\$260	\$0.00
Total Hours:	0.20	0.00	\$1,723.50	0.13	0.86		
RBGG UNDISPUTED FEES:							\$1,637.33
TOTAL UNDISPUTED FOR COUNTY JAIL APPEAL WORK:							\$1,637.33

Exhibit E

Armstrong v. Brown
Third Quarterly Statement of 2013
July 1, 2013 through September 30, 2013

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

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
8/28/12 ORDER APPEAL	\$1,798.35	\$0.00
	TOTAL:	\$1,798.35

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2013 through September 30, 2013
Matter: APPEAL 8/28/2012 ORDER

Appeal 8/28/12 ORDER (581-18)

	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>Claimed Fees</u>	<u>Withdrawn By Pltfs</u>	<u>Undisputed Hours</u>	<u>2013 Rates</u>	<u>Total</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>							
Michael Bien (MWB)	0.50	0.50	\$390.00	0.03	0.48	\$780	\$370.50
Gay C. Grunfeld (GCG)	1.8	1.8	\$1,188.00	0.09	1.71	\$660	\$1,128.60
Ernest Galvan (EG)	0.5	0.5	\$315.00	0.03	0.48	\$630	\$299.25
Karen Silber (KES)	0.2	0	\$0.00	0.00	0.00	\$260	\$0.00
Total Hours:	3.00	2.80	\$1,893.00	0.14	2.66		

RBGG UNDISPUTED FEES:**\$1,798.35**

**TOTAL UNDISPUTED FOR APPEAL
 8/28/12 ORDER WORK:**

\$1,798.35

Exhibit F

Armstrong v. Brown
Third Quarterly Statement of 2013
July 1, 2013 through September 30, 2013

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$15,855.03	\$213.57
	TOTAL:	\$16,068.59

Armstrong v. Brown

Third Quarterly Statement of 2013
 July 1, 2013 through September 30, 2013
Matter: All Matters Fees Work

Fees (581-2)

	<u>Actual Hours</u>	<u>Claimed Hours</u>	<u>Claimed Fees</u>	<u>Withdrawn By Pltfs</u>	<u>Undisputed Hours</u>	<u>2013 Rates</u>	<u>Total</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>							
Michael W. Bien (MWB)	0.20	0.20	\$156.00	0.01	0.19	\$780	\$148.20
Gay C. Grunfeld (GCG)	11.60	11.60	\$7,656.00	0.58	11.02	\$660	\$7,273.20
Ernest Galvan (EG)	0.40	0.00	\$0.00	0.00	0.00	\$630	\$0.00
Kenneth Walczak (KMW)	0.40	0.00	\$0.00	0.00	0.00	\$480	\$0.00
Blake Thompson (BT)	7.10	7.10	\$3,088.50	0.36	6.75	\$435	\$2,934.08
Kevin Jones (KEJ)	0.10	0.00	\$0.00	0.00	0.00	\$280	\$0.00
Haruka Roudebush (HR)	0.20	0.00	\$0.00	0.00	0.00	\$220	\$0.00
Glenn Baldwin (GMB)	16.20	15.20	\$3,344.00	0.76	14.44	\$220	\$3,176.80
Total Hours:	36.20	34.10	\$14,244.50	1.71	32.40		
RBGG UNDISPUTED FEES:							\$13,532.28
<u>PRISON LAW OFFICE</u>							
Coreen Kendrick (CK)	2.10	2.10	\$997.50	0.11	2.00	\$475	\$947.63
Edie DeGraff (ED)	6.30	6.30	\$1,165.50	0.32	5.99	\$185	\$1,107.23
Total Hours:	8.40	8.40	\$2,163.00	0.32	5.99		
PLO UNDISPUTED FEES:							\$2,054.85
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>							
Linda Kilb (LDK)	0.40	0.40	\$282.00	0.02	0.38	\$705	\$267.90
Total Hours:	0.40	0.40	\$282.00	0.02	0.38		
DREDF UNDISPUTED FEES:							\$267.90
TOTAL UNDISPUTED FEES FOR ARMSTRONG FEES WORK:							\$15,855.03

Armstrong v. Brown

Third Quarterly Statement of 2013
July 1, 2012 through September 30, 2013

Costs

Matter: Fees Work in All Matters

Rosen, Bien, Galvan & Grunfeld (581-2)

	Costs	Withdrawn by Plaintiffs	Costs Now Owing
Photocopying and Printing (in-house)	\$192.40	\$9.62	\$182.78
Telephone	\$1.65	\$0.08	\$1.57
Postage & Delivery	\$30.76	\$1.54	\$29.22
Total RBGG Costs:	\$224.81		\$213.57
TOTAL UNDISPUTED FEES WORK COSTS :			\$213.57