- 1		
1	DONALD SPECTER – 083925 RITA K. LOMIO – 254501	
2	MARGOT MENDELSON – 268583 PRISON LAW OFFICE	
3	1917 Fifth Street Berkeley, California 94710-1916	
4	Telephone: (510) 280-2621 Facsimile: (510) 280-2704	
5	MICHAEL W. BIEN – 096891	
6	GAY C. GRUNFELD – 121944 PENNY GODBOLD – 226925	
7	MICHAEL FREEDMAN – 262850 ROSEN BIEN	
8	GALVAN & GRUNFELD LLP 101 Mission Street, Sixth Floor	
9	San Francisco, California 94105-1738 Telephone: (415) 433-6830	
10	Facsimile: (415) 433-7104	
11	LINDA D. KILB – 136101 DISABILITY RIGHTS EDUCATION &	
12	DEFENSE FUND, INC. 3075 Adeline Street, Suite 201	
13	Berkeley, California 94703 Telephone: (510) 644-2555	
14	Facsimile: (510) 841-8645	
15	Attorneys for Plaintiffs	
16		
17	UNITED STATES	DISTRICT COURT
18	NORTHERN DISTRI	CT OF CALIFORNIA
19		
20	JOHN ARMSTRONG, et al.,	Case No. C94 2307 CW
21	Plaintiffs,	<del>[PROPOSED]</del> STIPULATED ORDER CONFIRMING UNDISPUTED
22	V.	ATTORNEYS' FEES AND COSTS FOR THE FOURTH QUARTER OF
23	GAVIN NEWSOM, et al.,	2020
24	Defendants.	Judge: Hon. Claudia Wilken
25		
26		
27		
28		Case No. C94 2307 CW

FOURTH QUARTER 2020

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 January 22, 2021, Plaintiffs served on Defendants their Fourth Quarterly Statement for 2020 by electronic transmission. The parties completed their meet-and-confer process on March 26, 2021 as to the fees and costs incurred on all matters.

As a result of the March 26, 2021 agreement, the parties agree to the following:

The parties agree to the payment of \$2,432,256.82 to resolve all fees and costs incurred during the Fourth Quarter of 2020, for monitoring and/or litigation activities in the California Department of Corrections of Rehabilitation Division of Adult Operations and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these claims.

The parties agree to the payment of 55,249.06 to resolve all fees and costs incurred during the Fourth Quarter of 2020, for monitoring and/or litigation activities in the Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these claims.

The parties agree to the payment of \$175,285.78 to resolve all fees and costs incurred during the Fourth Quarter of 2020, for monitoring and/or litigation activities in the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these claims.

The parties agree to the payment of \$20,833.50 to resolve all fees and costs incurred during the Fourth Quarter of 2020, for fees work. Attached hereto as **Exhibit D** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the

Case No. C94 2307 CW

1 parties to settle these claims. 2 The parties agree to the payment of \$1,900.71 to resolve all fees and costs incurred 3 during the Fourth Quarter of 2020, for litigation activities in the appeal of the RJD Order, Ninth Circuit Court of Appeal Case No. 20-16921. Attached hereto as Exhibit E are 4 5 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these claims. 6 7 IT IS HEREBY ORDERED that the amounts set forth above are due and 8 collectable as of forty-five days from the date of entry of this Order. Interest on these fees 9 and costs will run from February 22, 2021, accruing at the rate provided by 28 U.S.C. 10 § 1961. 11 DATED: March 31, 2021 12 13 United States District Judge 14 15 APPROVED AS TO FORM: 16 17 DATED: March 30, 2021 /s/Trace O. Maiorino Trace O. Maiorino 18 Deputy Attorney General Attorney for Defendants 19 20 21 DATED: March 30, 2021 /s/Gay Crosthwait Grunfeld 22 Gay Crosthwait Grunfeld Rosen Bien Galvan & Grunfeld LLP 23 Attorney for Plaintiffs 24 25 26 27 28

FOURTH QUARTER 2020

# **EXHIBIT A**

<u>Armstrong v. Newsom</u> Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020

## CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	<u>UNDISPUTED FEES</u>	UNDISPUTED COSTS
CDCR/AOAP MONITORING	\$2,339,856.18	\$92,400.65

\$2,432,256.82 TOTAL UNDISPUTED:

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 Matter: CDCR/AOAP Monitoring/Merits

Monitoring (581-3)		Actual <u>Hours</u>	Claimed <u>Hours</u>	2020 <u>Rates</u>	<u>Total</u>	Fees Now Owing Based On Negotiated Compromise
ROSEN, BIEN, GALVAN & C	GRUNFELD					
Michael W. Bien (MWB)		71.00	54.90	\$1,100	\$60,390.00	\$57,370.50
Gay C. Grunfeld (GCG)		222.20	221.60	\$875	\$193,900.00	\$184,205.00
Ernest Galvan (EG)		2.2	0	\$825	\$0.00	\$0.00
Van Swearingen (VS)		0.1	0	\$660	\$0.00	\$0.00
Penny Godbold (PG)		368.70	368.50	\$715	\$263,477.50	\$250,303.63
Thomas Nolan (TN)		228.10	222.70	\$740	\$164,798.00	\$156,558.10
Michael L. Freedman (MLF)		354.20	347.60	\$635	\$220,726.00	\$209,689.70
Ben Bien-Kahn (BBK)		212.00	191.90	\$625	\$119,937.50	\$113,940.63
Jenny Yelin (JY)		4.70	0.00	\$565	\$0.00	\$0.00
Kara J. Janssen (KJJ)		16.30	9.50	\$565	\$5,367.50	\$5,099.13
Caroline E. Jackson (CEJ)		206.60	199.90	\$540	\$107,946.00	\$102,548.70
Michael S. Nunez (MSN)		48.00	35.10	\$540	\$18,954.00	\$18,006.30
Jessica Winter (JW)		1.60	0.00	\$480	\$0.00	\$0.00
Amy Xu (AX)				\$460	\$0.00	\$0.00
Cara E. Trapani (CET)				\$440	\$0.00	\$0.00
Mark Shinn-Krantz (MSK)		54.30	49.20	\$440	\$21,648.00	\$20,565.60
Priyah Kaul (PK)		31.60	22.80	\$460	\$10,488.00	\$9,963.60
Alexander Gourse (AG)				\$395	\$0.00	\$0.00
Rekha Arulanantham (REA)		126.80	103.80	\$395	\$41,001.00	\$38,950.95
Adrienne Harrold (AH)		14.00	0.00	\$325	\$0.00	\$0.00
Karen Stilber (KES)		62.90	61.20	\$350	\$21,420.00	\$20,349.00
Linda Woo (LHW)				\$350	\$0.00	\$0.00
F. Gail LaPurja (FGL)		6.70	0.00	\$320	\$0.00	\$0.00
Greg Gonzalez (GZG)		6.40	0.00	\$320	\$0.00	\$0.00
Emma Cook (EC)		38.10	37.10	\$250	\$9,275.00	\$8,811.25
Nathalie Welch (NW)		30.10	20.20	\$250	\$5,050.00	\$4,797.50
Jack Gleiberman (JG)		522.10	517.30	\$250	\$129,325.00	\$122,858.75
Ellinor Heywood (EH)		421.00	408.30	\$250	\$102,075.00	\$96,971.25
Heather Gans (HG)		171.80	162.40	\$250	\$40,600.00	\$38,570.00
Catherine Johnson (CJ)		27.10	26.70	\$250	\$6,675.00	\$6,341.25
Rebecca Berman (RB)		50.90	28.00	\$225	\$6,300.00	\$5,985.00
Rwehyang Kim (RK)		189.90	168.20	\$225	\$37,845.00	\$35,952.75
Ericka Zheng (EZ)		41.00	41.00	\$225	\$9,225.00	\$8,763.75
	Total Hours:	3,530.40	3,297.90			
RBGG FEES:					\$1,596,423.50	\$1,516,602.33
PRISON LAW OFFICE						
Donald Specter (DS)		39.40	39.40	\$995	\$39,203.00	\$37,242.85
Sara Norman (SN)		2.90	2.90	\$820	\$2,378.00	\$2,259.10
Corene Kendrick (CK)		39.30	39.30	\$730	\$28,689.00	\$27,254.55
Rita Lomio (RL)		367.00	367.00	\$650	\$238,550.00	\$226,622.50
Margot Mendelson (MM)		129.50	129.50	\$625	\$80,937.50	\$76,890.63
Patrick Booth (PB)		225.40	225.40	\$380	\$85,652.00	\$81,369.40
Jacob Hutt (JH)		189.90	189.90	\$380	\$72,162.00	\$68,553.90
Amber Norris (AN)		139.30	139.30	\$350	\$48,755.00	\$46,317.25
Tovah Anna Ackerman (TAA)		121.30	121.30	\$325	\$39,422.50	\$37,451.38
Tania Amarillas (TA)		182.10	182.10	\$325	\$59,182.50	\$56,223.38
Eva Amarillas-Diaz (EAD)		39.00	39.00	\$275	\$10,725.00	\$10,188.75
Skye Lovett (SL)		181.60	181.60	\$275	\$49,940.00	\$47,443.00
Gabriela Pelsinger (GP)		181.20	181.20	\$275	\$49,830.00	\$47,338.50
Ilian Meza Pena (IP)		30.80	30.80	\$275	\$8,470.00	\$8,046.50
Jordan Payne (JP)		100.00	100.00	\$275	\$27,500.00	\$26,125.00
Juliette Mueller (JM)		38.40	38.40	\$275	\$10,560.00	\$10,032.00
Michael Brodheim (MB)		43.90	43.90	\$275	\$12,072.50	\$11,468.88
menaer Breamenn (mB)	Total Hours:	2,051.00	2,051.00	Ψ2.0	ψ·2,0·2.00	Ψ.1,100.00
PLO FEES:		_,0000	_,0000		\$864,029.00	\$820,827.55
DISABILITY RIGHTS EDUC	ATION AND					
DEFENSE FUND						
Linda Kilb (LK)		1.90	1.90	\$885	\$1,681.50	\$1,597.43
Claudia Center		0.50	0.50	\$845	\$422.50	\$401.38
Case Clerk (H. Min)		2.50	2.50	\$180	\$450.00	\$427.50
- ()	Total Hours:	4.90	4.90		Ţ	Ţ. <u>_</u> 7.27.00
DREDF FEES:					\$2,554.00	\$2,426.30
TOTAL ODG5/1015-15	UITOD:::0					
TOTAL CDCR/AOAP MOI FEES:	NITORING				\$2,463,006.50	\$2,339,856.18

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 <u>Costs</u>

## Matter: CDCR/AOAP Merits/Monitoring

matter: Obort/AOAI mente/monitoring		Costs Now Owing Per
Rosen, Bien, Galvan & Grunfeld (581-3)	Costs	Negotiated Compromise
Photocopying (In house)	\$1,431.60	\$1,360.02
Photocopying/printing (Outside)	\$2,451.02	\$2,328.47
Discovery service Relativity hosting and processing (RJD production database - Oct - Dec)	\$11,509.87	\$10,934.38
Professional services - expert witness fees	\$53,055.00	\$50,402.25
Transcription and translation (including deposition transcripts)	\$14,397.41	\$13,677.54
Online Research - PACER, Westlaw	\$1,529.18	\$1,452.72
Postage & Delivery	\$1,254.59	\$1,191.86
Telephone	\$13.00	\$12.35
Travel - Mileage, Tolls, Food	\$709.87	<u>\$674.38</u>
Total RBGG Costs:	\$86,351.54	\$82,033.96
Prison Law Office		
Interpreting/Translation services	\$9,010.00	\$8,559.50
Postage & Delivery	\$1,474.90	<u>\$1,401.16</u>
Total PLO Costs:	\$10,484.90	\$9,960.66
Disability Rights Education & Defense Fund, Inc.		
Photocopying (in-house)	\$372.00	\$353.40
Pacer	\$1.40	\$1.33
Postage & Delivery	\$54.00	\$51.30
Total DREDF Costs:	\$427.40	\$406.03
TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:	\$97,263.84	\$92,400.65

# **EXHIBIT B**

<u>Armstrong v. Newsom</u> Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020

## BPH SUMMARY OF UNDISPUTED FEES AND COSTS

UNDISPUTED FEES **UNDISPUTED COSTS MATTER** 

BPH \$55,239.18 \$9.88

> TOTAL UNDISPUTED: \$55,249.06

Armstrong v. Newsom
Fourth Quarterly Statement of 2020
October 1, 2020 through December 31, 2020
Matter: BPH

BPH (581-4)		Actual	Claimed	2020		Fees Now Owing Based On
		<u>Hours</u>	<u>Hours</u>	Rates	<u>Total</u>	Negotiated Compromise
<b>BPH MONITORING (581-4</b>	<u>()</u>					
ROSEN, BIEN, GALVAN & G	RUNFELD					
Michael W. Bien (MWB)		0.20	0.20	\$1,100	\$220.00	\$209.00
Gay C. Grunfeld (GCG)		1.7	1.7	\$875	\$1,487.50	\$1,413.13
Thomas Nolan (TN)		33.10	33.10	\$740	\$24,494.00	\$23,269.30
Penny Godbold (PG)		0.20	0.00	\$715	\$0.00	\$0.00
Caroline E. Jackson (CEJ)		17.00	11.90	\$540	\$6,426.00	\$6,104.70
Benjamin Bien-Kahn (BBK)		0.40	0.00	\$625	\$0.00	\$0.00
Rekha Arunlanatham		6.90	5.00	\$395	\$1,975.00	\$1,876.25
Ellinor Heywood (EH)		8.70	0.00	\$250	\$0.00	\$0.00
Jack Gleiberman (JRG)		1.30	0.00	\$250	\$0.00	\$0.00
Heather Gans (HG)		33.70	33.70	\$250	\$8,425.00	\$8,003.75
. ,	Total Hours:	103.20	85.60			
RBGG FEES:					\$43,027.50	\$40,876.13
PRISON LAW OFFICE						
Sara Norman (SN)		1.20	1.20	\$820	\$984.00	\$934.80
Rita Lomio (RL)		0.40	0.40	\$650	\$260.00	\$247.00
Rana Anabtawi (RA)		22.20	22.20	\$625	\$13,875.00	\$13,181.25
DI 0 ===0	Total Hours:	23.80	23.80		0.45.440.00	4440000
PLO FEES:					\$15,119.00	\$14,363.05
TOTAL FEES FOR						
BPH WORK:					\$58,146.50	\$55,239.18

# Case 4:94-cv-02307-CW Document 3237 Filed 03/31/21 Page 11 of 25

<u>Armstrong v. Newsom</u> Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 Costs

Matter: BPH

			<b>Costs Now Owing Per</b>
Rosen, Bien, Galvan & Grunfeld (581-4)		Costs	<b>Negotiated Compromise</b>
Photocopying (In house)		\$8.80	\$8.36
Postage and delivery		\$1.60	\$1.52
	Total RBGG Costs:	\$10.40	\$9.88

TOTAL CLAIMED BPH COSTS: \$10.40 \$9.88

# **EXHIBIT C**

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020

# DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COST

DAPO MONITORING \$174,699.30 \$586.48

**TOTAL UNDISPUTED:** \$175,285.78

<u>s</u>

Armstrong v. Newsom
Fourth Quarterly Statement of 2020
October 1, 2020 through December 31, 2020
Matter: DAPO Monitoring

DAPO Monitoring (581-9)	Actual	Claimed	2020		Fees Now Owing Based On
-	<u>Hours</u>	<u>Hours</u>	Rates	<u>Total</u>	<b>Negotiated Compromise</b>
ROSEN, BIEN, GALVAN & GRUNFELD					
Michael W. Bien (MWB)	0.50	0.50	\$1,100	\$550.00	\$522.50
Gay C. Grunfeld (GCG)	8.30	7.70	\$875	\$6,737.50	\$6,400.63
Penny Godbold (PG)	9.50	9.50	\$715	\$6,792.50	\$6,452.88
Thomas Nolan (TN)	12.80	12.80	\$740	\$9,472.00	\$8,998.40
Michael L. Freedman (MLF)	0.80	0.00	\$635	\$0.00	\$0.00
Benjamin Bien-Kahn (BBK)	44.10	42.70	\$625	\$26,687.50	\$25,353.13
Jenny S. Yelin (JSY)	9.90	7.80	\$565	\$4,407.00	\$4,186.65
Caroline E. Jackson (CEJ)	48.60	47.60	\$540	\$25,704.00	\$24,418.80
Priyah Kaul (PK)	10.60	8.20	\$460	\$3,772.00	\$3,583.40
Rekha Arulanantham (REA)	58.20	52.20	\$395	\$20,619.00	\$19,588.05
Adrienne Harrold (AH)	1.30	0.00	\$325	\$0.00	\$0.00
Karen Stilber (KES)	0.40	0.00	\$350	\$0.00	\$0.00
Nathalie Welch (NCW)	289.50	278.80	\$250	\$69,700.00	\$66,215.00
Ellinor Heywood (EH)	1.50	0.00	\$250	\$0.00	\$0.00
Heather Gans (HG)	39.30	30.70	\$250	\$7,675.00	\$7,291.25
Rwehyang Kim (RK)	7.90	7.90	\$225	\$1,777.50	\$1,688.63
Total Hours:	543.20	506.40			
RBGG FEES:				\$183,894.00	\$174,699.30
TOTAL FOR DAPO MONITORING					
WORK:				\$183,894.00	\$174,699.30

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 Costs

Matter: DAPO Monitoring

5			<b>Costs Now Owing Per</b>
Rosen, Bien, Galvan & Grunfeld (581-9)		Costs	<b>Negotiated Compromise</b>
Photocopying (in-house)		\$178.00	\$169.10
Postage		\$438.55	\$416.62
Long distance and videophone charges		\$0.80	\$0.76
	Total RBGG Costs:	\$617.35	\$586.48

TOTAL CLAIMED DAPO MONITORING COSTS: \$617.35 \$586.48

# **EXHIBIT D**

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020

## SUMMARY OF UNDISPUTED FEES WORK AND COSTS

UNDISPUTED FEES	UNDISPUTED COSTS

FEES WORK (ALL MATTERS) \$20,810.70 \$22.80

TOTAL UNDISPUTED: \$20,833.50

Armstrong v. Newsom
Fourth Quarterly Statement of 2020
October 1, 2020 through December 31, 2020 Matter: All Matters Fees Work

Fees (581-2)		Actual	Claimed	2020		Fees Now Owing Based On
		<u>Hours</u>	<u>Hours</u>	Rates	<u>Total</u>	Negotiated Compromise
ROSEN, BIEN, GALVAN &	GRUNFELD					
Gay C. Grunfeld (GCG)		12.20	12.20	\$875	\$10,675.00	\$10,141.25
Karen E. Stilber (KES)		19.90	19.90	\$350	\$6,965.00	\$6,616.75
	Total Hours:	32.10	32.10			
RBGG FEES:					\$17,640.00	\$16,758.00
PRISON LAW OFFICE						
Rita Lomio		1.80	1.80	\$650	\$1,170.00	\$1,111.50
Margot Mendelson (MKM)		1.80	1.80	\$625	\$1,125.00	\$1,068.75
Ashley Kirby (AK)		6.40	6.40	\$225	\$1,440.00	\$1,368.00
Ashley Kirby (AK)	Total Hours:	10.00	10.00	φΖΖΟ	\$1,440.00	φ1,300.00
PLO FEES:	rotar riours.	10.00	10.00		¢2.725.00	¢2 E40 2E
PLU FEES:					\$3,735.00	\$3,548.25
DISABILITY RIGHTS EDUC	CATION AND					
DEFENSE FUND						
Linda Kilb (LDK)		0.6	0.6	\$885	\$531.00	\$504.45
,	Total Hours:	0.60	0.60	,	,	• • • • • • • • • • • • • • • • • • • •
DREDF FEES:					\$531.00	\$504.45
TOTAL FEES FOR ARMS	STRONG					
FEES WORK:					\$21,906.00	\$20,810.70

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 Costs

Matter: Fees Work in All Matters

Rosen, Bien, Galvan & Grunfeld (581-2)CostsNegotiated CompromisePhotocopying and Printing (in-house)\$24.00\$22.80

Total RBGG Costs: \$24.00 \$22.80

TOTAL CLAIMED FEES WORK COSTS: \$24.00 \$22.80

# EXHIBIT E

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020

## APPEAL OF RJD ORDER SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER UNDISPUTED FEES UNDISPUTED COSTS

APPEAL OF RJD ORDER \$1,876.73 \$23.99

TOTAL UNDISPUTED: \$1,900.71

•

# Case 4:94-cv-02307-CW Document 3237 Filed 03/31/21 Page 24 of 25

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 *Matter: Appeal of RJD Order* 

Fees (581-19)	Actual	Claimed	2020		Fees Now Owing Based On
	<u>Hours</u>	<u>Hours</u>	Rates	<u>Total</u>	Negotiated Compromise
ROSEN, BIEN, GALVAN & GRUNFELD					
Gay C. Grunfeld (GCG)	1.20	1.20	\$875	\$1,050.00	\$997.50
Michael L. Freedman (MLF)	0.30	0.30	\$635	\$190.50	\$180.98
Karen E. Stilber (KES)	2.10	2.10	\$350	\$735.00	\$698.25
Rhewyang Kim (RK)	0.20	<u>0</u>	\$225	\$0.00	\$0.00
	3.80	3.60		\$1,975.50	\$1,876.73
TOTAL FEES FOR APPEAL OF RJD					
ORDER:				\$1,975.50	\$1,876.73

Fourth Quarterly Statement of 2020 October 1, 2020 through December 31, 2020 Costs

Matter: Appeal of RJD Order

**Costs Now Owing Per** 

Rosen, Bien, Galvan & Grunfeld (581-19)

Costs

Negotiated Compromise

 Westlaw research
 \$25.25
 \$23.99

Total RBGG Costs: \$25.25 \$23.99