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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE FIRST QUARTER OF 2021

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

~~PROPOSED~~ STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
FIRST QUARTER 2021

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 26, 2021, Plaintiffs served on Defendants
5 their First Quarterly Statement for 2021 by electronic transmission. The parties completed
6 their meet-and-confer process on June 15, 2021 as to the fees and costs incurred on all
7 matters.

8 As a result of the June 15, 2021 agreement, the parties agree to the following:

9 The parties agree to the payment of \$1,955,939.23 to resolve all fees and costs
10 incurred during the First Quarter of 2021, 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 118,961.68 to resolve all fees and costs incurred
16 during the First Quarter of 2021, for monitoring and/or litigation activities in the Board of
17 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting
18 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to
19 settle these claims.

20 The parties agree to the payment of \$343,994.45 to resolve all fees and costs
21 incurred during the First Quarter of 2021, 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 \$28,289.67 to resolve all fees and costs incurred
26 during the First Quarter of 2021, for fees work. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 The parties agree to the payment of \$2,854.75 to resolve all fees and costs incurred
 2 during the First Quarter of 2021, for litigation activities in the appeal of the RJD Order,
 3 Ninth Circuit Court of Appeal Case No. 20-16921. Attached hereto as **Exhibit E** are
 4 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
 5 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 May 26, 2021, accruing at the rate provided by 28 U.S.C. § 1961.

9
 10 DATED: June 22, 2021



Claudia Wilken
 United States District Judge

11
 12
 13 APPROVED AS TO FORM:

14
 15 DATED: June 17, 2021

/s/Trace O. Maiorino

Trace O. Maiorino
 Deputy Attorney General
 Attorney for Defendants

16
 17
 18
 19 DATED: June 17, 2021

/s/Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld
 Rosen Bien Galvan & Grunfeld LLP
 Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Newsom
First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$1,912,626.93	\$43,312.31
	TOTAL UNDISPUTED:	\$1,955,939.23

Armstrong v. Newsom
First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021
Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	Actual	Claimed	2021		Fees Now Owing Based on Negotiated Compromise
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	62.20	39.60	\$1,200	\$47,520.00	\$45,144.00
Gay C. Grunfeld (GCG)	97.70	97.40	\$925	\$90,095.00	\$85,590.25
Ernest Galvan (EG)	1.1	0	\$875	\$0.00	\$0.00
Lisa Ells (LAE)	0.50	0.00	\$775	\$0.00	\$0.00
Penny Godbold (PG)	327.30	324.60	\$750	\$243,450.00	\$231,277.50
Thomas Nolan (TN)	170.90	170.60	\$775	\$132,215.00	\$125,604.25
Michael L. Freedman (MLF)	212.30	202.50	\$675	\$136,687.50	\$129,853.13
Ben Bien-Kahn (BBK)	182.10	165.30	\$650	\$107,445.00	\$102,072.75
Jenny Yelin (JY)	0.20	0.00	\$600	\$0.00	\$0.00
Caroline E. Jackson (CEJ)	182.20	173.20	\$575	\$99,590.00	\$94,610.50
Michael S. Nunez (MSN)	22.00	16.70	\$575	\$9,602.50	\$9,122.38
Jessica Winter (JW)	0.90	0.00	\$515	\$0.00	\$0.00
Amy Xu (AX)	1.40	0.00	\$485	\$0.00	\$0.00
Cara E. Trapani (CET)	0.30	0.00	\$465	\$0.00	\$0.00
Mark Shinn-Krantz (MSK)	1.70	0.00	\$465	\$0.00	\$0.00
Priyah Kaul (PK)	28.00	25.00	\$485	\$12,125.00	\$11,518.75
Rekha Arulanantham (REA)	102.90	96.60	\$425	\$41,055.00	\$39,002.25
Adrienne Harrold (AH)	154.30	127.40	\$350	\$44,590.00	\$42,360.50
Karen Stilber (KES)	28.20	28.20	\$375	\$10,575.00	\$10,046.25
F. Gail LaPurja (FGL)	7.80	0.00	\$345	\$0.00	\$0.00
Greg Gonzalez (GZG)	6.90	0.00	\$345	\$0.00	\$0.00
Emma Cook (EC)	13.80	13.80	\$275	\$3,795.00	\$3,605.25
Nathalie Welch (NW)	13.00	11.80	\$275	\$3,245.00	\$3,082.75
Jack Gleiberman (JG)	349.40	348.30	\$275	\$95,782.50	\$90,993.38
Ellinor Heywood (EH)	259.70	251.90	\$275	\$69,272.50	\$65,808.88
Heather Gans (HG)	200.60	194.60	\$275	\$53,515.00	\$50,839.25
Catherine Johnson (CJ)	27.40	26.90	\$275	\$7,397.50	\$7,027.63
Fely F. Villadelgado (FFV)	56.30	0.00	\$275	\$0.00	\$0.00
Rebecca Berman (RB)	44.50	22.90	\$240	\$5,496.00	\$5,221.20
Rwehyang Kim (RK)	90.00	78.90	\$240	\$18,936.00	\$17,989.20
Ericka Zheng (EZ)	25.20	25.20	\$240	\$6,048.00	\$5,745.60
Adam Dean (AD)	30.50	19.00	\$225	\$4,275.00	\$4,061.25
Total Hours:	2,701.30	2,460.40		\$1,242,712.50	\$1,180,576.88
RBGG FEES:					
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	23.50	23.50	\$995	\$23,382.50	\$22,213.38
Sara Norman (SN)	1.70	1.70	\$850	\$1,445.00	\$1,372.75
Rita Lomio (RL)	271.50	271.50	\$675	\$183,262.50	\$174,099.38
Margot Mendelson (MM)	124.70	124.70	\$650	\$81,055.00	\$77,002.25
Patrick Booth (PB)	162.10	162.10	\$380	\$61,598.00	\$58,518.10
Jacob Hutt (JH)	227.40	227.40	\$425	\$96,645.00	\$91,812.75
Amber Norris (AN)	110.00	110.00	\$375	\$41,250.00	\$39,187.50
Tovah Anna Ackerman (TAA)	124.50	124.50	\$325	\$40,462.50	\$38,439.38
Tania Amarillas (TA)	184.20	184.20	\$350	\$64,470.00	\$61,246.50
Eva Amarillas-Diaz (EAD)	35.70	35.70	\$300	\$10,710.00	\$10,174.50
Skye Lovett (SL)	159.50	159.50	\$300	\$47,850.00	\$45,457.50
Gabriela Pelsinger (GP)	188.90	188.90	\$325	\$61,392.50	\$58,322.88
Ilian Meza Pena (IP)	53.80	53.80	\$300	\$16,140.00	\$15,333.00
Jordan Payne (JP)	71.70	71.70	\$300	\$21,510.00	\$20,434.50
Juliette Mueller (JM)	39.30	39.30	\$300	\$11,790.00	\$11,200.50
Michael Brodheim (MB)	24.50	24.50	\$300	\$7,350.00	\$6,982.50
Total Hours:	1,803.00	1,803.00		\$770,313.00	\$731,797.35
PLO FEES:					
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Case Clerk (H. Min)	1.40	1.40	\$190	\$266.00	\$252.70
Total Hours:	1.40	1.40		\$266.00	\$252.70
DREDF FEES:					
TOTAL CDCR/AOAP MONITORING FEES:					
				\$2,013,291.50	\$1,912,626.93

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

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

	<u>Costs</u>	<u>Costs Now Owing</u> <u>Based on Negotiated Compromise</u>
<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>		
Photocopying (In house)	\$1,248.80	\$1,186.36
Photocopying/printing (Outside)	\$2,757.62	\$2,619.74
Discovery service Relativity hosting and processing (RJD production database - Jan -Mar)	\$10,306.00	\$9,790.70
Professional services - expert witness fees	\$22,411.50	\$21,290.93
Transcription and translation (including deposition transcripts)	\$1,364.90	\$1,296.66
Online Research - PACER, Westlaw	\$182.69	\$173.56
Postage & Delivery	\$1,015.65	\$964.87
Total RBGG Costs:	\$39,287.16	\$37,322.80
 <u>Prison Law Office</u>		
Interpreting/Translation services	\$3,988.48	\$3,789.06
Videoconferencing service (for deaf class members)	\$119.00	\$113.05
Travel - Mileage, Tolls, Food	\$143.99	\$136.79
Postage & Delivery	\$1,942.87	\$1,845.73
Total PLO Costs:	\$6,194.34	\$5,884.62
 <u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$92.00	\$87.40
Postage & Delivery	\$18.40	\$17.48
Total DREDF Costs:	\$110.40	\$104.88
 TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:	\$45,591.90	\$43,312.31

EXHIBIT B

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$118,899.63	\$62.05
	TOTAL UNDISPUTED:	\$118,961.68

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

Matter: BPH**BPH (581-4)**Fees Now Owing
Based on Negotiated
Compromise**BPH MONITORING (581-4)****ROSEN, BIEN, GALVAN & GRUNFELD**

	Actual Hours	Claimed Hours	2021 Rates	Total	
Michael W. Bien (MWB)	3.20	2.10	\$1,200	\$2,520.00	\$2,394.00
Ernest Galvan (EG)	3.80	3.80	\$875	\$3,325.00	\$3,158.75
Gay C. Grunfeld (GCG)	23.2	23.2	\$925	\$21,460.00	\$20,387.00
Thomas Nolan (TN)	50.40	50.40	\$775	\$39,060.00	\$37,107.00
Penny Godbold (PG)	0.30	0.00	\$750	\$0.00	\$0.00
Caroline E. Jackson (CEJ)	37.20	34.80	\$575	\$20,010.00	\$19,009.50
Benjamin Bien-Kahn (BBK)	0.10	0.00	\$650	\$0.00	\$0.00
F. Gail LaPurja (FGL)	0.20	0.00	\$345	\$0.00	\$0.00
Nathalie Welch (NW)	0.30	0.00	\$275	\$0.00	\$0.00
Emma Cook (EC)	9.70	9.70	\$275	\$2,667.50	\$2,534.13
Ellinor Heywood (EH)	0.20	0.00	\$275	\$0.00	\$0.00
Jack Gleiberman (JRG)	26.50	24.50	\$275	\$6,737.50	\$6,400.63
Rwehyang Kim (RK)	0.20	0.00	\$240	\$0.00	\$0.00
Heather Gans (HG)	11.20	9.50	\$275	\$2,612.50	\$2,481.88
Total Hours:	166.50	158.00			

RBGG FEES:**\$98,392.50****\$93,472.88****PRISON LAW OFFICE**

Sara Norman (SN)	0.70	0.70	\$850	\$595.00	\$565.25
Rita Lomio (RL)	6.80	6.80	\$675	\$4,590.00	\$4,360.50
Rana Anabtawi (RA)	33.20	33.20	\$650	\$21,580.00	\$20,501.00
Total Hours:	40.70	40.70			

PLO FEES:**\$26,765.00****\$25,426.75****TOTAL FEES FOR
BPH WORK:****\$125,157.50****\$118,899.63**

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

Costs**Matter: BPH**Rosen, Bien, Galvan & Grunfeld (581-4)

Photocopying (In house)

Postage and delivery

<u>Costs</u>	<u>Costs Now Owing</u>	
	<u>Based on Negotiated Compromise</u>	
	\$13.20	\$12.54
	\$52.12	\$49.51
Total RBGG Costs:	\$65.32	\$62.05

TOTAL CLAIMED BPH COSTS:	\$65.32	\$62.05
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EXHIBIT C

Armstrong v. Newsom
First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$343,863.90	\$130.55
	TOTAL UNDISPUTED:	\$343,994.45

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

Matter: DAPO Monitoring**DAPO Monitoring (581-9)****Fees Now Owing
Based on Negotiated
Compromise**

	<u>Actual</u>	<u>Claimed</u>	<u>2021</u>		
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	7.10	5.70	\$1,200	\$6,840.00	\$6,498.00
Gay C. Grunfeld (GCG)	28.00	28.00	\$925	\$25,900.00	\$24,605.00
Ernest Galvan (EG)	2.10	2.10	\$875	\$1,837.50	\$1,745.63
Van Swearingen (VS)	0.40	0.00	\$700	\$0.00	\$0.00
Penny Godbold (PG)	33.30	33.10	\$750	\$24,825.00	\$23,583.75
Thomas Nolan (TN)	71.30	67.50	\$775	\$52,312.50	\$49,696.88
Michael L. Freedman (MLF)	5.10	0.00	\$675	\$0.00	\$0.00
Benjamin Bien-Kahn (BBK)	79.80	78.60	\$650	\$51,090.00	\$48,535.50
Jenny S. Yelin (JSY)	14.70	14.60	\$600	\$8,760.00	\$8,322.00
Caroline E. Jackson (CEJ)	23.50	22.80	\$575	\$13,110.00	\$12,454.50
Michael S Nunez (MSN)	1.70	0.00	\$575	\$0.00	\$0.00
Priyah Kaul (PK)	90.70	90.70	\$485	\$43,989.50	\$41,790.03
Rekha Arulanantham (REA)	44.10	41.20	\$425	\$17,510.00	\$16,634.50
Adrienne Harrold (AH)	98.20	92.40	\$350	\$32,340.00	\$30,723.00
Karen Stilber (KES)	1.10	0.00	\$275	\$0.00	\$0.00
Nathalie Welch (NCW)	256.80	236.70	\$275	\$65,092.50	\$61,837.88
Ellinor Heywood (EH)	17.00	17.00	\$275	\$4,675.00	\$4,441.25
Heather Gans (HG)	33.60	33.60	\$275	\$9,240.00	\$8,778.00
Jack Gleiberman (JG)	4.40	0.00	\$275	\$0.00	\$0.00
Rwehyang Kim (RK)	18.50	18.50	\$240	\$4,440.00	\$4,218.00
Total Hours:	831.40	782.50			
RBGG FEES:				\$361,962.00	\$343,863.90
TOTAL FOR DAPO MONITORING WORK:				\$361,962.00	\$343,863.90

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

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

Photocopying (in-house)

Postage

Long distance and videophone charges

Total RBGG Costs:

TOTAL CLAIMED DAPO MONITORING COSTS:

Costs

\$59.40

\$61.17

\$16.85

\$137.42

\$137.42

Costs Now Owing

Based on Negotiated Compromise

\$56.43

\$58.11

\$16.01

\$130.55

\$130.55

EXHIBIT D

Armstrong v. Newsom
First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021

SUMMARY OF CLAIMED FEES WORK AND COSTS

	<u>CLAIMED FEES</u>	<u>CLAIMED COSTS</u>
FEES WORK (ALL MATTERS)	\$28,210.73	\$78.95
TOTAL CLAIMED:		\$28,289.67

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual	Claimed	2021		Fees Now Owing Based on Negotiated Compromise
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	19.70	19.70	\$925	\$18,222.50	\$17,311.38
Karen E. Stilber (KES)	14.20	13.90	\$375	\$5,212.50	\$4,951.88
Total Hours:	33.90	33.60			
RBGG FEES:				\$23,435.00	\$22,263.25
<u>PRISON LAW OFFICE</u>					
Rita Lomio	4.10	4.10	\$675	\$2,767.50	\$2,629.13
Margot Mendelson (MKM)	1.10	1.10	\$650	\$715.00	\$679.25
Ashley Kirby (AK)	8.20	8.20	\$240	\$1,968.00	\$1,869.60
Total Hours:	13.40	13.40			
PLO FEES:				\$5,450.50	\$5,177.98
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	0.9	0.9	\$900	\$810.00	\$769.50
Total Hours:	0.90	0.90			
DREDF FEES:				\$810.00	\$769.50
TOTAL FEES FOR ARMSTRONG FEES WORK:				\$29,695.50	\$28,210.73

Armstrong v. Newsom

First Quarterly Statement of 2021

January 1, 2021 through March 31, 2021

Costs***Matter: Fees Work in All Matters***Rosen, Bien, Galvan & Grunfeld (581-2)

Photocopying and Printing (in-house)

Long distance telephone

Postage & Delivery

Costs

\$48.00

\$2.80

\$32.30

\$83.10

Costs Now Owing

Based on Negotiated Compromise

\$45.60

\$2.66

\$30.69

\$78.95

Total RBGG Costs:

TOTAL CLAIMED FEES WORK COSTS :**\$83.10****\$78.95**

EXHIBIT E

Armstrong v. Newsom
First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021

APPEAL OF RJD ORDER SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
APPEAL OF RJD ORDER	\$2,854.75	\$0.00
	TOTAL UNDISPUTED:	\$2,854.75

Armstrong v. Newsom
First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021

APPEAL OF RJD ORDER SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
APPEAL OF RJD ORDER	\$2,854.75	\$0.00
	TOTAL UNDISPUTED:	\$2,854.75

First Quarterly Statement of 2021
January 1, 2021 through March 31, 2021
Matter: Appeal of RJD Order

<u>Fees (581-19)</u>	Actual	Claimed	2021		Fees Now Owing Based on Negotiated Compromise
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	1.70	1.70	\$925	\$1,572.50	\$1,493.88
Michael L. Freedman (MLF)	1.90	1.90	\$675	\$1,282.50	\$1,218.38
Jessica L. Winter (JW)	0.10	0.00	\$515	\$0.00	\$0.00
Karen E. Stilber (KES)	0.40	0.40	\$375	\$150.00	\$142.50
	4.10	4.00		\$3,005.00	\$2,854.75
TOTAL FEES FOR APPEAL OF RJD ORDER:				\$3,005.00	\$2,854.75