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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**PAULA LANE**, et al.,

CV No. 3:12-cv-00138-AC

on behalf of themselves and all  
others similarly situated, and

**UNITED CEREBRAL PALSY OF OREGON  
AND S.W. WASHINGTON**,

Plaintiffs,

v.

**PLAINTIFFS' AND DEFENDANTS'  
STIPULATION ON SUPPLEMENTAL  
ATTORNEY'S FEES AND COSTS**

**KATE BROWN**, Governor of the State of  
Oregon, et al.,

all in their official capacities,  
Defendants.

**UNITED STATES OF AMERICA**,

Plaintiff- Intervenor,

v.

**STATE OF OREGON**,

Defendant.

Plaintiffs and defendants hereby stipulate as follows:

1. On February 11, 2016, the Court entered an Opinion and Order awarding plaintiffs' attorney's fees and costs for the period February 1, 2011 – August 31, 2015. *Lane v. Brown*, 2016 WL 589684 (D. Or., Feb. 11, 2016) (ECF 390). In her opinion, Magistrate Judge Stewart held that the notice to class members of the Settlement Agreement satisfied the notice requirements of the Federal Rules of Civil Procedure with respect to attorney's fees. *Id.* at 2 (notice to the class was provided "by means of a notice to class members of the terms of the Agreement, which included the provision regarding attorney fees and costs, prior to the fairness hearing"). Magistrate Judge Stewart also noted that the parties agreed to negotiate a supplemental fee amount for time spent after September 1, 2015. *Id.* at 1, n.1.

2. On March 9, 2016, plaintiffs sent defendants a request for payment of supplemental attorney's fees and costs in this matter, covering the period September 1, 2015 – February 28, 2016, and then amended this request on April 19, 2016 to include time spent through March 31, 2016.

3. After vigorous negotiations, the parties have agreed to settle this supplemental fee request without further litigation, and without the need for additional legal motions, memoranda, declarations, and exhibits, to avoid the expense of additional attorney's fees. The parties request approval of the award by means of this stipulation.

4. Therefore, the parties stipulate and move that, pursuant to 42 U.S.C. §12205 and 29 U.S.C. § 794a, defendants will pay plaintiffs a supplemental award of attorney's fees of \$406,967.40 and costs of \$9,138.00, a total of \$416,105.40, for all fees

and costs incurred by plaintiffs' counsel from September 1, 2015 through March 31, 2016, as well as for any fees or costs incurred to date with respect to this fee request.

5. Plaintiffs and defendants further agree as follows:

a. Payment of the agreed amount fully satisfies all claims by plaintiffs for fees and costs during the period specified above, as well as for any fees or costs incurred to date on the second fee request.

b. Payment will be made within 30 days of approval by the Court. A satisfaction will be entered upon payment.

c. As part of this negotiated resolution, no time entry that is set forth in any of the plaintiffs' attorney time records for the period September 1, 2015 – March 31, 2016 will be considered subject to the cap on monitoring fees in Section XVII.16 of the Settlement Agreement. This settlement is not an agreement, concession, or precedent about whether fees or costs incurred after March 31, 2016 for certain activities are recoverable or whether they should be part of plaintiffs' monitoring fees.

d. There is no agreement other than what is stated here. This agreement on the second fee petition, and the concessions made by the parties in reaching agreement, are not binding on any party with respect to future requests for fees and expenses.

Dated: June 27, 2016

For plaintiffs:

CENTER FOR PUBLIC REPRESENTATION

/s Steven J. Schwartz

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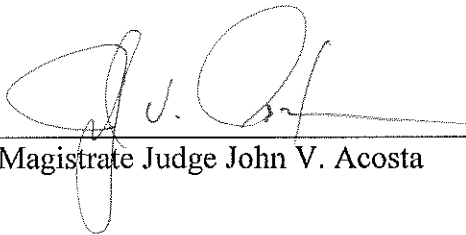
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APPROVED and entered as an order of the Court.

Dated

June 28, 2016

  
Magistrate Judge John V. Acosta