MARK D. ROSENBAUM, SBN 59940 1 PETER J. ELIASBERG, SBN 189110 **MELINDA BIRD SBN 102236** 2 ACLU FOUNDATION OF SOUTHERN CALIFORNIA 3 1616 Beverly Boulevard Los Angeles, CA 90026 Telephone: (213) 977-9500 Facsimile: (213) 250-3919 4 mbird@aclù-sc.org 6 DAVID C. FATHI*, Pro Hac Vice ACLU NATIONAL PRISON PROJECT 915 15th Street NW, 7th Floor Washington D.C. 20005 8 Telephone: (202) 548-6609 Facsimile: (202) 393-4931 9 E-mail: dfathi@npp-aclu.org *Not admitted in D.C.; practice limited to federal courts. 10 Attorneys for Plaintiffs 11 PAUL BEACH, SBN 166265 12 DAVID D. LAWRENCE, SBN 123039 FRANSCELL, STRICKLAND, 13 ROBERTS & LAWRENCE, P.C. 100 West Broadway, Suite 1200 14 Glendale, CA 91210-1219 Telephone: (818) 545-1925 Facsimile: (818) 545-1937 15 16 Attorneys for Defendants 17 18 19 20 21 UNITED STATES DISTRICT COURT 22 CENTRAL DISTRICT OF CALIFORNIA 23 Case No. Civ. 75-04111/-DDP DENNIS RUTHERFORD, et al, 24 Plaintiffs, Proposed 95 Ö **∠ORDER RE: ATTORNEY FEES** AND JOINT STIPULATION IN 26 SUPPORT THEREOF. SHERMAN BLOCK, et al., 27 Defendants.

JOINT STIPULATION

IT IS HEREBY STIPULATED, by and between the parties, that:

- 1. A dispute exists between the parties concerning a claim by Plaintiffs for attorneys' fees and costs in this matter. The Plaintiffs have asked Defendants for \$677,656 for these expenses for the period from May 1, 2006 to April 30, 2007, as well as additional sums for the period from June 1, 2007 to August 31, 2007. The parties have met and conferred on several occasions pursuant to Local Rule 7-3 and are continuing to discuss the subject with hopes of resolving the issue without the need for law and motion practice before the Court.
- 2. The parties agree that Defendant County of Los Angeles shall compensate Plaintiffs \$160,000 for attorneys' fees and costs for the 16 month period from May 1, 2006 to August 31, 2007 (calculated at \$10,000 per month for 16 months, consistent with prior payments approved by this Court). This agreement is made without prejudice to Plaintiffs' right to pursue a motion for additional attorneys' fees and costs for this time period. This agreement is also made without prejudice to Defendants' right to oppose such a motion and/or to argue that no fees and costs should be granted.
- 3. Based on and subject to these conditions and agreements, the parties stipulate and agree that an award of attorneys' fees and costs shall be granted in the amount of \$160,000 for the period from May 1, 2006 to August 31, 2007.

Dated: November 5, 2007

Respectfully Submitted,

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

By:___\

Melinda Bird

Attorney for Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1616 Beverly Boulevard, Los Angeles, California 90026. I am employed in the office of a member of the bar of this court at whose direction the service was made.

On November 5, 2007, I served the foregoing document:

[PROPOSED] ORDER RE: ATTORNEY FEES AND JOINT STIPULATION IN SUPPORT THEREOF

on the parties in this action by placing a true and correct copy of each document thereof, enclosed in a sealed envelope, addressed as follows:

Paul B. Beach
David D. Lawrence
Franscell, Strickland, Roberts &
Lawrence
100 West Broadway, Suite 1200
Glendale, CA 91210-1219

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Roger H. Granbo, Office of County Counsel County of Los Angeles 648 Kenneth Hahn Hall of Admin. 500 West Temple Street Los Angeles, CA 90012

Stephen Yagman Marion R. Yagman Yagman & Yagman & Reichmann 723 Ocean Front Walk Venice Beach, CA 90291-3270

I am readily familiar with the business' practice of collection and processing correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at Los Angeles, California.

Executed on November 5, 2007, at Los Angeles, California.

SCOTT CONNOR