

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Gordon D. Meador

Plaintiff(s)

vs.

Dr. K. Aye, et al.,

Defendants.

No. 1:14-cv-00006 DLB PC

REQUEST FOR AUTHORITY TO INCUR  
COSTS (APPOINTED COUNSEL) AND  
REQUEST FOR PAYMENT

REQUEST OF PRO BONO FOR PRE-APPROVAL OF EXPENDITURES

Complete this form and return it to the court (with two copies) for approval prior to incurring the cost for which reimbursement is requested.

I, Brian C. McComas, attorney for plaintiff(s), declare as follows:

I was appointed to represent plaintiff(s) in this action on February 11, 2015, by the Honorable Dennis Beck, United States District Judge/Magistrate Judge. I believe that the following course of action is reasonably necessary to the prosecution of this action:

Please see Declaration of Counsel (Attachment A).

Counsel seeking reimbursement must support all claimed expenses by submitting invoices, receipts or similar documentation. Without such documentation, counsel will not be reimbursed.

I have made reasonable inquiry and believe that the cost of this course of action will not exceed the amount of \$ 700.

I therefore request that this court authorize the expenditure in an amount not to exceed that stated above for the completion of this contemplated course of action.

REQUEST OF PRO BONO FOR PRE-APPROVAL OF EXPENDITURES - PAGE 2

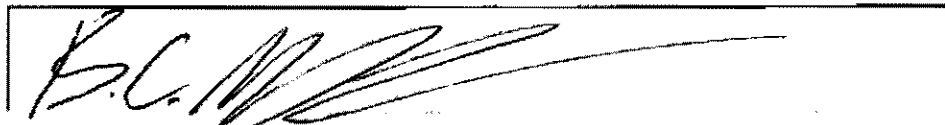
Case Number: 1:14-cv-00006 DLB PC

The following payments of costs have been heretofore approved in this matter:

Amount Approved	Purpose	Amount Paid
N/A	N/A	N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of March, 2015, at San Francisco, California.

  
Attorney for Plaintiff(s)

The above expenditure is  Approved  Denied

Or,

Good cause appearing therefore, this matter is set for discovery conference, pursuant to rule \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ M. in Courtroom Number \_\_\_\_\_.

Dated: 3/25/2015

  
United States District Judge/Magistrate Judge

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California SBN 273161  
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5 Limited Purpose Attorney for Plaintiff  
6 GORDON D. MEADOR

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 GORDON D. MEADOR,

11  
12 Plaintiff,

13 v.

14 DR. K. AYE, et al.,

15 Defendants.  
16

Case No. 1:14-cv-0006 DLB PC

**DECLARATION OF COUNSEL IN  
SUPPORT OF PLAINTIFF'S  
REQUEST FOR AUTHORITY TO  
INCUR COSTS (APPOINTED  
COUNSEL) AND REQUEST  
PAYMENT**

The Honorable Magistrate  
Judge Dennis Beck

17 I, Brian C. McComas, declare:

18 **I. INTRODUCTION.**

19 1. The undersigned counsel is an attorney licensed to practice in the State  
20 of California and authorized to appear before the California State Courts, the United  
21 States Court of Appeals for the Ninth Circuit and the United States District Courts  
22 for the Northern, Eastern, and Central Districts of California. The undersigned also  
23 has been admitted to practice *pro hac vice* before the United States District Court  
24 for the District of Nevada and the Montana Supreme Court. The undersigned owns  
25 and operates the Law Office of B.C. McComas.

26 2. The undersigned has been appointed by this Court to represent  
27 plaintiff, Gordon Meador. Order Appointing Counsel, Meador v. Aye, et al.,  
28 E.D.Cal. Case No. 1:14-cv-00006 DLB PC, Civil Docket Report ("Doc") #14. Mr.

1 Meador alleges that six doctors and one nurse at the California State Prison,  
2 Corcoran inflicted intentional pain and suffering in treating his “Osteomyelitis and  
3 Discitis”<sup>1</sup> of the spine. Complaint, at 5 (Doc #1). He alleges that the doctors’  
4 maltreatment resulted in severe back pain and paralysis. *Id.*

5 3. The undersigned submits this declaration in support of his request for  
6 expenses necessary to obtain case files and visit Mr. Meador. The expenses  
7 requested herein are reasonably calculated so that the undersigned can complete  
8 necessary tasks, including preparation of the amended complaint, as ordered by this  
9 Court. The undersigned respectfully requests that the Court authorize the requested  
10 expenses.

## 11 II. PROCEDURAL HISTORY.

12 4. On January 2, 2014, Plaintiff filed his complaint *pro per* and  
13 moved to proceed *in forma pauperis*. Docs #1 and 2. This Court granted the  
14 motion. Doc #5.

15 5. On January 8, 2015, Plaintiff moved for a preliminary injunction.  
16 Doc #6. He requested that he be placed in the medical hospital because he was  
17 confined to a wheelchair and had suffered numerous falls. *Id.* at 3.

18 6. On January 16, 2015, this Court denied the motion for a preliminary  
19 injunction. Doc #7. The Court also denied the complaint with leave to amend. Doc  
20 #8. The Court found: “Plaintiff’s complaint fails to state a claim upon which relief  
21 may be granted under section 1983. The Court will provide Plaintiff with an  
22 opportunity to file an amended complaint.” *Id.* at 9. The Court ordered plaintiff to  
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24 <sup>1</sup> The undersigned is informed that “Osteomyelitis” is a rare but serious  
25 infection of the bone. See WebMd, *Osteomyelitis*, available at: [http://www.  
26 webmd.com/pain-management/osteomyelitis-treatment-diagnosis-symptoms](http://www.webmd.com/pain-management/osteomyelitis-treatment-diagnosis-symptoms) (last  
27 accessed March 2, 2015). The undersigned is informed that “Discitis” (or  
28 “Diskitis”) is a rare but serious infection of the spinal vertebrae. Healthline,  
*Discitis*, available at: <http://www.healthline.com/health/diskitis#Overview1> (last  
accessed March 2, 2015).

1 file an amended complaint within 30 days of its order. *Id.* at 10.

2 7. On February 3, 2015, the undersigned counsel was contacted by the  
3 Court's ADR and *Pro Bono* Program Director, Sujean Park. The undersigned was  
4 informed of this Court's desire to appoint counsel to meet with Plaintiff and prepare  
5 and file an amended complaint on his behalf. The undersigned agreed to represent  
6 Plaintiff.

7 8. On February 11, 2015, the Court appointed the undersigned as  
8 Plaintiff's counsel for the "limited purpose of investigating the claim, then drafting  
9 and filing an amended complaint." Doc #14, at 1. The Court ordered that the  
10 amended complaint be filed within 90 days (May 23, 2015). *Id.*

11 9. Prior to February 11, 2015, Plaintiff was incarcerated at California  
12 State Prison, Corcoran. On February 13, 2015, the Undersigned was informed that  
13 he was being transferred to California State Prison, R.J. Donovan in San Diego,  
14 California. That day, the undersigned wrote to Plaintiff and informed him of  
15 counsel's appointment.

16 10. The undersigned is informed that on February 14, 2015, Plaintiff was  
17 transferred from R.J. Donovan to the California Men's Colony in San Luis Obispo  
18 due to medical concerns. The undersigned is informed that Plaintiff was then  
19 transferred back to R.J. Donovan on February 28, 2015. On March 4, 2015, the  
20 undersigned confirmed that Plaintiff was incarcerated at R.J. Donovan.

21 11. On March 4, 2015, the undersigned counsel submitted a request for  
22 authorization to visit with Plaintiff on April 22 and 23, 2015 from 9:00 am to 2:00  
23 pm at R.J. Donovan. On March 11, 2015, the request was approved.

24 **III. REQUEST FOR AUTHORIZATION TO INCUR COSTS FOR**  
25 **SERVICES REQUIRED TO MEET WITH PLAINTIFF AND**  
**PREPARE THE AMENDED COMPLAINT.**

26 12. The undersigned counsel is in the process of reviewing records in  
27 Plaintiff's case and researching grounds for his amended complaint. The  
28 undersigned wants to facilitate investigation of the case and drafting of the

1 complaint as expeditiously as possible. Accordingly, the undersigned is submitting  
2 this request for authorization of funds prior to expending any monies on the below  
3 described services and expenses. *See* General Order 510, In re Modification of  
4 General Order No. 230 (September 29, 2011).

5           A. The undersigned needs to collect and review Plaintiff's  
6 correctional and medical records from the California Department of Rehabilitation  
7 and Corrections. The undersigned is informed that production of the records could  
8 cost up to \$150 in photo-copying and delivery expenses. The undersigned requests  
9 authorization to incur these costs should they be necessary to obtain and review  
10 Plaintiff's correctional and medical records. *See* General Order 401, Section 4A(1).

11           B. The undersigned needs to meet with Plaintiff pursuant to the  
12 directions of the Court and its ADR and *Pro Bono* Coordinator. The undersigned  
13 believes that meeting with Plaintiff is essential to learn about his case and assess his  
14 disability. The undersigned anticipates visiting Plaintiff twice on April 22 and 23,  
15 2015, during one trip from San Francisco to San Diego, so as to maximize  
16 investigation and save time. Accordingly, the undersigned requests authorization to  
17 incur the following costs, which are necessary to meet with Plaintiff:

18           i. Airline Tickets. To visit Plaintiff, the undersigned  
19 must travel from his office, in San Francisco, to the California State Prison, R.J.  
20 Donovan, in San Diego. The undersigned is informed that driving between the  
21 cities will take approximately 16-18 hours. Accordingly, the undersigned believes  
22 that flying is a more efficient means of visiting Plaintiff. The undersigned is  
23 informed that airline tickets cost approximately \$184 round trip. *See* Fed Travel,  
24 *San Francisco to San Diego Flights*, available at: [http://www.fedtravel.com/](http://www.fedtravel.com/flight-search.html)  
25 [flight-search.html](http://www.fedtravel.com/flight-search.html) (last accessed March 12, 2015).

26           ii. Car Rental. The undersigned will need to rent a car to  
27 travel from the San Diego Airport to R.J. Donovan Prison. The undersigned is  
28 informed that renting an economy car for two days will cost approximately \$130.

1 See Fed Travel, *San Diego Car Rentals*, available at: [http://www.fedtravel.com/  
2 car-search.html#TopResult](http://www.fedtravel.com/car-search.html#TopResult) (last accessed March 12, 2015).

3 iii. Lodging. The undersigned will need one night stay at a  
4 hotel in San Diego between visits with Plaintiff. The undersigned is informed that  
5 the *per diem* rate for a one night stay in San Diego is \$142. See Fed Travel, *San  
6 Diego Hotels*, available at: <http://www.fedtravel.com/hotel-search.html> (last  
7 accessed March 12, 2015).

8 iv. Food and Miscellaneous Expenses. The trip from San  
9 Francisco to San Diego and back will take more than 10 hours. Thus, the  
10 undersigned is authorized to incur food and miscellaneous expenses at *per diem*  
11 rates. See U.S. General Services Administration, *Office Travel Basics*, available at:  
12 <http://gsa.gov/portal/category/102151> (last accessed March 12, 2015). The  
13 undersigned is informed that the current *per diem* rate for meals and expenses for  
14 two days is \$142. See U.S. General Services Administration, *FY 2015 Per Diem  
15 Rates for San Diego, California*, available at: [http://www.gsa.gov/portal/  
16 category/100120](http://www.gsa.gov/portal/category/100120) (last accessed March 12, 2015).

17 C. In sum, the undersigned requests authorization of approximately  
18 \$700 for copying and travel costs necessary to visit with Plaintiff and prepare the  
19 amended complaint. See General Order 401, Section 4A(5-6).

20 13. The undersigned believes that the above requested expenses are  
21 reasonable and necessary to effectively represent Plaintiff. The undersigned intends  
22 to prepare and file the amended complaint by its current due date of May 12, 2015,  
23 or as reasonably soon as possible before or after that date. To do so, the  
24 undersigned requests authorization of the above described costs for expenses  
25 necessary to obtain documents and interview Plaintiff.

26 I declare under penalty of perjury, as defined by the laws of California and  
27 the United States, that the foregoing is true and correct, and that this declaration was  
28 executed in San Francisco, California.

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Dated: March 12, 2015

/s/ Brian C. McComas

BRIAN C. McCOMAS

Limited Purpose  
Attorney for Plaintiff  
GORDON D. MEADOR