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12 Attorneys for Plaintiffs

13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA  
 15 SACRAMENTO DIVISION  
 16

17 DERRIL HEDRICK, DALE ROBINSON,  
 18 KATHY LINDSEY, MARTIN C. CANADA,  
 DARRY TYRONE PARKER, individually and  
 19 on behalf of all others similarly situated,

20 Plaintiffs,

21 v.

22 JAMES GRANT, as Sheriff of Yuba County;  
 Lieutenant FRED J. ASBY, as Yuba County  
 23 Jailer; JAMES PHARRIS, ROY LANDERMAN,  
 DOUG WALTZ, HAROLD J. "SAM"  
 24 SPERBEK, JAMES MARTIN, as members of  
 the YUBA COUNTY BOARD OF  
 25 SUPERVISORS,

26 Defendants.

Case No. 2:76-CV-00162-EFB

**[PROPOSED] AMENDED ORDER  
 GRANTING PLAINTIFFS'  
 MOTION FOR ATTORNEYS'  
 FEES AND COSTS**

Judge: Hon. Edmund F. Brennan

Date:

Time:

Crtrm.: 8, 13th Floor

Trial Date: None Set

1 Plaintiffs' Motion for Attorneys' Fees and Costs came on for hearing before this  
2 Court on January 30, 2019.

3 The Amended Consent Decree, to which the parties agreed on August 16, 2018,  
4 provides that

5 The parties acknowledge that Plaintiffs' counsel have incurred and will incur  
6 attorneys' fees, litigation expenses, and costs related to monitoring the  
7 Consent Decree, litigating issues related to enforcement of the Consent  
8 Decree, seeking remedial orders, and negotiating this Amended Consent  
9 Decree. ... [P]laintiffs will, contemporaneous with their filing of their  
10 motion for preliminary approval of the Amended Consent Decree, submit a  
11 motion for attorneys' fees and costs seeking to recover attorneys' fees and  
12 costs related to all work on this matter including monitoring the Consent  
13 Decree, litigating issues related to the Consent Decree (including the Motion  
14 to File a Supplemental Complaint), seeking remedial orders, and negotiating  
15 this Amended Consent Decree ("fees and expenses"). Plaintiffs agree not to  
16 seek fees and expenses from the Court in an amount above \$1,100,000, for  
17 fees and expenses incurred through June 30, 2018. Defendants agree not to  
18 oppose Plaintiffs' petition for fees and expenses up to that amount for the  
19 period through June 30, 2018. Plaintiffs reserve the right to petition the  
20 Court for additional fees and expenses incurred from July 1, 2018 through  
21 final approval of the Amended Consent Decree ("additional fees and  
22 expenses"). Plaintiffs' counsel agree the lodestar for the additional fees and  
23 expenses will be calculated using \$220.50 per hour, the 2018 rate authorized  
24 by the Prison Litigation Reform Act (PLRA). Defendants reserve the right to  
25 oppose any request by Plaintiffs for compensation for fees and expenses  
26 incurred from July 1, 2018 through final approval of the Amended Consent  
27 Decree. The parties acknowledge that Court approval of the fees and  
28 expenses is required.

18 The Court, having considered the pleadings on the motion, oral argument at the  
19 hearing, and the record in this case, and good cause appearing, now makes findings and  
20 ORDERS as follows:

21 1. This is a class action certified pursuant to Federal Rule of Civil Procedure  
22 23(b)(2), and the Court may award attorneys' fees and costs to class counsel pursuant to  
23 Fed. R. Civ. P. 23(h).

24 2. Plaintiffs are "prevailing parties" under the federal fee shifting statutes 42  
25 U.S.C. § 1983, 42 U.S.C. § 12205, and 29 U.S.C. § 794a(b). Plaintiffs are successful  
26 litigants under California's private attorney general statute, Cal. Code Civ. Proc. § 1021.5.  
27 An award of attorney fees is appropriate under both Section 1021.5 and the separate  
28 federal fee-shifting statutes.

1           3.       For work that Plaintiffs performed prior through June 30, 2018 on work  
2 related to claims under sections 12132 and 12188 of the Americans with Disabilities Act  
3 (“ADA”), section 794 of the Rehabilitation Act, Article I, Sections 7 and 17 of California  
4 Constitution, California Government Code § 11135, and California Code of Civil  
5 Procedure § 1021.5 (collectively, “ADA-related work”), Plaintiffs are entitled to  
6 compensation at their full market rates.

7           4.       For work that Plaintiffs’ counsel performed through June 30, 2018 on non-  
8 ADA-related work and for all work that Plaintiffs’ counsel performed after July 1, 2018,  
9 Plaintiffs have agreed to be compensated at the rate set by the Prison Litigation Reform  
10 Act (“PLRA”). 18 U.S.C. § 3006A. For 2018, Defendants have agreed in the Amended  
11 Consent Decree that the PLRA rate is \$220.50 per hour.

12           5.       The time Plaintiffs’ attorneys expended on this case was appropriate given  
13 the length, intensity, and nature of the litigation. In calculating their lodestar, Plaintiffs’  
14 counsel have written off a total of approximately 10% of billable hours to date. The Court  
15 finds these billing judgment reductions to be reasonable and appropriate, in that they  
16 assure that Plaintiffs’ counsel have accounted for any undue duplication of effort or  
17 inefficiency.

18           6.       After reasonable billing judgment reductions, Plaintiffs’ lodestar for work  
19 performed through June 30, 2018 is \$1,652,000.20, representing compensation for 6922  
20 hours of work invested in this case. For the period from July 1, 2018 through final  
21 approval of the Amended Consent Decree, Plaintiffs’ lodestar is \$100,901, representing  
22 compensation for 457.4 additional hours of work invested in this case.

23           7.       Plaintiffs’ counsel is entitled to recover the expenses advanced to prosecute  
24 this litigation on behalf of the class. Plaintiffs have incurred costs and expenses of  
25 \$68,782.81 through June 30, 2018. For the period from July 1, 2018 through final  
26 approval of the Amended Consent Decree, Plaintiffs have incurred costs and expenses of  
27 \$2,010.

28           8.       Accordingly, the Court finds that Plaintiffs’ counsel’s total lodestar of fees

1 and expenses through June 30, 2018 of \$1,720,783.01 is reasonable and appropriate under  
2 federal and state law for the work performed and the success achieved for the class. This  
3 amount far exceeds the negotiated cap of \$1.1 million for fees and expenses incurred  
4 through June 30, 2018.

5 9. The Court also finds that Plaintiffs' counsel's total lodestar of fees and  
6 expenses from July 1, 2018 through final approval of \$102,911 is reasonable and  
7 appropriate under federal and state law for the work performed and the success achieved  
8 for the class.

9 10. For the period through June 30, 2018, Defendants are ordered to pay  
10 Plaintiffs' \$1,100,000 for reasonable attorneys' fees, expenses, and costs.

11 11. For the period from July 1, 2018 through final approval, Defendants are  
12 ordered to pay Plaintiffs' \$79,500 for reasonable attorneys' fees, expenses, and costs.

13 12. These amounts shall be paid within thirty (30) days of entry of this Order.  
14 Interest shall run commencing fifteen (15) days from the date of this Order, accruing at the  
15 rate provided by 28 U.S.C. § 1961.

16 IT IS SO ORDERED.

17 DATED: January 31, 2019.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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