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13 Attorneys for Plaintiffs

14  
 15 IN THE UNITED STATES DISTRICT COURT  
 16 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 RALPH COLEMAN, et al.,  
 19 Plaintiffs,  
 20 v.  
 21 ARNOLD SCHWARZENEGGER, et al.,  
 22 Defendants.  
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Case No. CIV S 90-520 LKK-JFM

**STIPULATION AND ORDER TO STAY  
 PLAINTIFFS’ MOTION TO COMPEL  
 PAYMENT OF REASONABLE  
 PARALEGAL FEES FOR WORK  
 PERFORMED DURING 2009 UNTIL THE  
 RESOLUTION OF PEREZ V. CATE  
 APPEAL NO. 09-17185**

1                   **STIPULATION TO STAY PLAINTIFFS’ MOTION TO COMPEL**  
2                   **PAYMENT OF REASONABLE PARALEGAL FEES FOR WORK**  
3                   **PERFORMED DURING 2009 UNTIL THE RESOLUTION OF PEREZ V.**  
4                   **CATE APPEAL NO. 09-17185**

5                   Plaintiffs and Defendants STIPULATE as follows:

6                   1.       Pursuant to the *Coleman* Periodic Fees Order, “Plaintiffs will file a yearly motion  
7 to compel payment of disputed items, if necessary, not later than sixty (60) days after the parties  
8 meet and confer with respect to the statement covering the fourth quarter of each year.” March  
9 19, 1996 Stipulation and Order for Periodic Collection of Attorneys’ Fees and Costs (attached as  
10 Appendix A). The parties have already stipulated to stay all attorneys’ fees, costs and expense  
11 matters related to the Three-Judge Panel and related appeals until October 1, 2010. *Coleman*  
12 Docket 3801. The only remaining, disputed issues from 2009 are: (1) Defendants’ refusal to pay  
13 for any work performed by staff who are not “paralegals” as defined by California Business &  
14 Professions Code § 6450, and; (2) Defendants’ refusal to pay more than \$135 per hour or \$82.50  
15 per hour for paralegal work on the case.

16                   2.       Plaintiffs’ counsel will file a motion to compel regarding the first issue identified  
17 above. By this stipulation, however, the parties agree to extend the briefing and argument  
18 schedule for Plaintiffs’ motion to compel as follows: Plaintiffs’ motion will be due by July 5,  
19 2010; Defendants’ opposition to the motion will be due by August 2, 2010; Plaintiffs’ reply brief  
20 will be due by August 16, 2010, and the hearing date for the motion will be set for August 23,  
21 2010.

22                   3.       With respect to the second issue, Defendants’ refusal to pay more than \$135 per  
23 hour or \$82.50 per hour for paralegal work, the parties agree to stay Plaintiffs’ motion on this  
24 issue pending final resolution of *Perez, et al. v. Cate, et al.*, Court of Appeals Docket No. 09-  
25 17185, United States Court of Appeals for the Ninth Circuit, including any petitions for panel or  
26 en banc rehearing, or final resolution in the United States Supreme Court (hereinafter “*Perez*  
27 appeal”). In so doing, Plaintiffs do not waive and will enforce their right to interest in  
28 accordance with the provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order.

1 Nothing in this Stipulation may be deemed a waiver or concession of any party's legal arguments  
2 regarding this issue.

3 4. If the requested stay is granted, the parties will meet and confer regarding the  
4 paralegal rate issue within 10 days after the mandate issues in the *Perez* appeal. If the parties are  
5 still unable to resolve this issue, Plaintiffs will file a motion to compel within 60 days of the  
6 completion of the meet and confer.

7 Dated: May 20, 2010

Respectfully submitted,  
ROSEN, BIEN & GALVAN, LLP  
By: /s/ Amy Whelan  
Amy Whelan  
Attorney for *Coleman* Plaintiffs

11 Dated: May 21, 2010

Office of the Attorney General  
By: /s/ Debbie Vorous  
Debbie Vorous, Deputy Attorney General  
Attorney for *Coleman* Defendants

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1                   **ORDER STAYING PLAINTIFFS' MOTION TO COMPEL PAYMENT OF**  
2                   **PARALEGAL RATES UNTIL THE RESOLUTION OF PEREZ V. CATE**  
3                   **APPEAL NO. 09-17185**

4                   Pursuant to the stipulation of the parties, and good cause appearing, this Court stays  
5 Plaintiffs' motion to compel payment of more than \$135 per hour or \$82.50 per hour for  
6 paralegal work performed during 2009 pending final resolution of *Perez, et al. v. Cate, et al.*,  
7 Court of Appeals Docket No. 09-17185, United States Court of Appeals for the Ninth Circuit,  
8 including any petitions for panel or en banc rehearing or final resolution in the United States  
9 Supreme Court. Plaintiffs have preserved and do not waive their right to claim interest in  
10 accordance with the provisions set forth in the March 19, 1996 *Coleman* Periodic Fees order.  
11 The parties shall meet and confer regarding the paralegal rate issue within 10 days after the  
12 mandate issues in the *Perez* appeal. If the parties are still unable to resolve this issue, Plaintiffs  
13 shall file a motion to compel within 60 days of the completion of the meet and confer.

14                   With respect to Plaintiffs' yearly motion to compel payment for work performed by staff  
15 who are not "paralegals" as defined by California Business & Professions Code § 6450, this  
16 Court grants the parties' stipulation setting a briefing schedule. Accordingly, Plaintiffs' motion  
17 will be due by July 5, 2010; Defendants' opposition to the motion will be due by August 2, 2010;  
18 Plaintiffs' reply brief will be due by August 16, 2010, and the hearing date for the motion will be  
19 set for August 23, 2010.

20 **IT IS SO ORDERED.**

21 Dated: May 26, 2010

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23 LAWRENCE K. KARLTON  
24 SENIOR JUDGE  
25 UNITED STATES DISTRICT COURT