

1 DONALD SPECTER – 083925
STEVEN FAMA – 099641
2 PRISON LAW OFFICE
1917 Fifth Street
3 Berkeley, California 94710-1916
Telephone: (510) 280-2621

MICHAEL W. BIEN – 096891
ERNEST GALVAN – 196065
JANE E. KAHN – 112239
LISA ELLS – 243657
AARON J. FISCHER – 247391
LAURA BOYSEN-ARAGON – 248083
ROSEN, BIEN & GALVAN, LLP
315 Montgomery Street, Tenth Floor
San Francisco, California 94104-1823
Telephone: (415) 433-6830

6 CLAUDIA CENTER – 158255
7 THE LEGAL AID SOCIETY –
EMPLOYMENT LAW CENTER
8 180 Montgomery Street, Suite 600
San Francisco, California 94104-4244
9 Telephone: (415) 864-8848

WARREN E. GEORGE – 053588
BINGHAM McCUTCHEEN LLP
Three Embarcadero Center
San Francisco, California 94111-4066
Telephone: (415) 393-2000

10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

14 RALPH COLEMAN, et al.,
15 Plaintiffs,
16 v.
17 EDMUND G. BROWN, Jr., et al.,
18 Defendants.¹

Case No. Civ S 90-0520 LKK-JFM

**Stipulation and Order Resolving
Disputes Regarding Coleman Post-
Judgment Fees and Costs Related to
Three-Judge Panel Proceedings and
Related Appeals**

Judge: Hon. Lawrence K. Karlton

26 _____
27 ¹ The names of Defendants currently serving and their official capacities have been
28 substituted pursuant to Fed. R. Civ. P. 25.

1 All matters concerning attorneys' fees, expenses, and costs arising out of the three-
2 judge court litigation were stayed pending the U.S. Supreme Court's decision. (See
3 *Coleman* Docket 3948, 2977.) On May 23, 2011, the U.S. Supreme Court issued its
4 decision affirming the three-judge court's order. Defendants and counsel for the *Coleman*
5 class submit this stipulation concerning attorneys' fees, expenses, and costs arising out of
6 the three-judge court litigation and related appeals through June 30, 2011, other than
7 attorneys' fees, expenses, and costs incurred by the Prison Law Office, which were
8 resolved by a separate stipulation and order on October 13, 2011. (*Plata* Docket No.
9 2406.) Rosen, Bien & Galvan has authority to represent co-counsel, King & Spalding,
10 LLP and K&L Gates LLP as to the recovery of fees and costs from defendants in this case.

11 Counsel for the *Coleman* class (other than the Prison Law Office) have met and
12 conferred with counsel for Defendants and have reached a resolution in the amount of
13 \$4,796,347 for all fees, costs and expenses related to, incurred by, and associated with the
14 three-judge court proceedings, including all work before the district court, the three-judge
15 court, the Ninth Circuit Court of Appeals, and the United States Supreme Court, incurred
16 through June 30, 2011. The parties significantly narrowed disputed issues to reach this
17 settlement. Plaintiffs contended that the lodestar amount must be subjected to a multiplier
18 or enhancement for exceptional success and delay in payment. *See Perdue v. Kenny A*,
19 130 S.Ct. 1662 (2010). Defendants contended that the initial lodestar demand was
20 excessive, and that no multiplier was permitted by law. The parties agreed that no
21 multiplier will be paid. In addition, the final settlement amount represents a significant
22 discount from the initial lodestar demand. The undersigned counsel waive any and all
23 rights associated with any further payment of fees, expenses or costs, or compensation of
24 any kind associated with the three-judge court proceedings and related appeals through
25 work performed through June 30, 2011.

26 Defendants will make pay \$1.6 million no later than 14 days after the execution of
27 this stipulation, and the remainder of the settlement, \$3,196,347, will be paid in January ,
28 2012 and no later than January 30, 2012. No interest will accrue unless these deadlines are

1 missed, in which case interest will accrue on the overdue amounts at the rates provided for
2 in 28 U.S.C. § 1961.

3 DATED: December 5, 2011

Respectfully submitted,

4 ROSEN BIEN & GALVAN

5
6 By: /s/ Ernest Galvan
7 Ernest Galvan

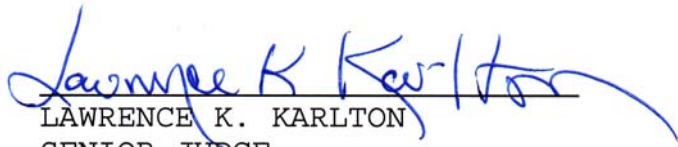
8
9
10 DATED: December 5, 2011

KAMALA HARRIS
ATTORNEY GENERAL OF CALIFORNIA

11
12
13 By: /s/ Jay Russell
14 Jay Russell
15 Attorneys for Defendants

16 IT IS SO ORDERED:

17 DATED: December 6, 2011

18
19
20 
21 LAWRENCE K. KARLTON
22 SENIOR JUDGE
23 UNITED STATES DISTRICT COURT
24
25
26
27
28