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

18 JERRY VALDIVIA, et al.,
 19 Plaintiffs,
 20 v.
 21 EDMUND G. BROWN, JR., et al.,
 22 Defendants.¹

Case No. Civ. S-94-0671 LKK-GGH
**STIPULATION AND ORDER
 CONFIRMING UNDISPUTED
 ATTORNEYS' FEES AND COSTS
 FOR SECOND QUARTER, 2011**
 Judge: Hon. Lawrence K. Karlton

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

1 On July 8, 2004, this Court established procedures by which plaintiffs are to collect
2 periodic attorneys' fees and costs in this case in connection with their work monitoring
3 defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, plaintiffs sent their Quarterly Statement for the
5 Second Quarter of 2011, covering the period of July 1, 2011 – September 30, 2011 to
6 defendants via overnight Federal Express on July 28, 2011. Defendants submitted their
7 objections to plaintiffs' statement on September 9, 2011. The parties completed their meet
8 and confer on October 4, 2011, and reached an agreement as to most of the hours and all of
9 the costs incurred in this quarter, but not as to the fees relating to Project HOPE ("Flash
10 Incarceration"), Re-Entry Courts, AB 109 and related Criminal Justice Realignment
11 matters, Non-Revocable Parole (NRP), and Plaintiffs' claim to 2011 hourly rates (the
12 "rates dispute").

13 Pursuant to the July 8, 2004 Order, ¶ 4, the parties will defer and hold in abeyance
14 the dispute over the remaining hours that are not settled through this Stipulation until they
15 are settled or a yearly motion to compel payment is brought following the meet and confer
16 covering the fourth quarter of 2011. The parties will continue to attempt to resolve the
17 rates dispute; any motion regarding plaintiffs' 2011 rates and/or the rates dispute shall be
18 filed no later than sixty days from the end of the meet and confer for the first quarter of
19 2012 pursuant to ¶ 4 of the July 8, 2004 Order.

20 Subject to resolution of the rates dispute, the parties agree that \$449,337.57 of fees
21 and costs incurred during the Second Quarter of 2011 are undisputed. (A summary of the
22 fees and costs, reflecting the fees at both 2010 and 2011 rates, is attached hereto as
23 Exhibit A.) The undisputed fees are calculated based upon the 2010 rates set forth by
24 Judge Karlton in his September 14, 2011 order. This sum reflects negotiated settlement of
25 certain objections, but does not include remaining disputes over hours relating to Project
26 HOPE ("Flash Incarceration"), Re-Entry Courts, AB 109 and related Criminal Justice
27 Realignment matters, Non-Revocable Parole (NRP), and Plaintiffs' 2011 rates.

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1 WHEREFORE, IT IS CONFIRMED that \$449,337.57 plus interest is due and
2 collectable as of forty-five days from the date of entry of this Order.

3 IT IS SO STIPULATED.

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5 DATED: October 23, 2011

Respectfully submitted,

6 ROSEN, BIEN & GALVAN, LLP

7 By: /s/ Ernest Galvan

8 Ernest Galvan

9 Attorneys for Plaintiffs

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11 DATED: October 19, 2011

HANSON BRIDGETT, LLP

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13 By: /s/ Renju P. Jacob

14 Renju P. Jacob

15 Attorneys for Defendants

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17 **IT IS SO ORDERED.**

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19 DATED: October 28, 2011



LAWRENCE K. KARLTON

SENIOR JUDGE

UNITED STATES DISTRICT COURT