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7 *Counsel for Plaintiffs*

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

10 ITALIAN COLORS RESTAURANT,
11 ALAN CARLSON, STONECREST
12 GAS & WASH, SALAM RAZUKI,
13 LAURELWOOD CLEANERS, LLC,
14 JONATHAN EBRAHIMIAN,
15 LEON'S TRANSMISSION SERVICE,
16 INC., VINCENT ARCHER, FAMILY
17 LIFE CORPORATION d/b/a
18 FAMILY GRAPHICS, TOSHIO
19 CHINO,

20 Plaintiffs,

21 v.

22 XAVIER BECERRA, in his official
23 capacity as Attorney General of the State
24 of California,

25 Defendant.

Case No.: 2:14-cv-00604-MCE-DAD

**STIPULATION AND ORDER
REGARDING PAYMENT OF
ATTORNEYS' FEES, EXPENSES,
AND COSTS**

26 This stipulation is by and between (1) all Plaintiffs in this action and their counsel
27 including Gupta Wessler PLLC, Friedman Law Group LLP and Markun Zusman
28 Freniere Compton LLP, and (2) the Defendant, Xavier Becerra in his official capacity
as Attorney General of the State of California. Plaintiffs and the Defendant have
reached an agreement regarding costs and fees and jointly request that the Court enter
the attached order.

1 **A. Background Recitals.**

2 The purpose of this agreement is to settle all claims against Defendant for
3 attorneys' fees and costs incurred by Plaintiffs during the litigation and appeal of the
4 above-captioned matter. The parties agree that as “prevailing part[ies],” within the
5 meaning of 42 U.S.C. § 1988(b), Plaintiffs are entitled to reasonable attorney fees in
6 addition to the taxable costs of suit under Federal Rule of Civil Procedure 54.
7

8 The parties wish to avoid the uncertainty, time and expense of litigating the
9 amount of attorney’s fees and costs to which Plaintiffs are entitled. Towards those ends,
10 the parties have conferred and negotiated the terms of this agreement. The parties enter
11 this agreement with the benefit of counsel and aver that it was the result of an arms'
12 length negotiation and that it is fair and reasonable.
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15 **B. The Parties’ Request.**

16 Plaintiffs and Defendant therefore jointly request that the Court enter the
17 following order:
18

- 19 1. Defendant will pay Plaintiffs the total settlement amount of \$293,000 (the
20 “Payment”).
- 21 2. Defendant will use good faith efforts to make the Payment as expeditiously
22 as possible. As required by state law, this payment is contingent upon certification of
23 availability of funds, the approval of the Director of the Department of Finance, and/or
24 the enactment by the Legislature and Governor of a “claims bill” that includes the
25 agreed-upon amount.
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1 In the event that Defendant has not made the Payment by October 1, 2019,
2 Plaintiffs retain the right to seek costs, fees, and interest by noticed motion. The time
3 for Plaintiffs to file such a motion for costs and fees is extended until November 1,
4 2019.

5
6 3. Plaintiffs authorize Defendant to make the Payment to Plaintiffs' counsel
7 in accordance with reasonable payment instructions, which Plaintiffs' counsel shall
8 provide to counsel for Defendant by email.

9
10 4. Plaintiffs agree and affirm that the Payment amount set forth above is in
11 full consideration of any and all claims for attorney's fees, costs of suit under Rule 54,
12 appellate costs, interest on fees and costs, or any other claims for costs or fees associated
13 with this action.

14
15 5. Effective upon receipt of the Payment, Plaintiffs release Defendant from
16 any further claims or liability for fees and costs related to this action or any related action.

17
18 STIPULATED AND AGREED, January 30, 2019:

19
20 */s/ Deepak Gupta (as authorized on January 30, 2019)*

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1 **ORDER**

2 Pursuant to the parties’ stipulation (ECF No. 76) and for good cause, the Court
3 hereby ORDERS as follows:

4 1. Defendant will pay Plaintiffs the total settlement amount of \$293,000 (the
5 “Payment”).

6 2. Defendant will use good faith efforts to make the Payment as expeditiously as
7 possible. This payment is contingent upon certification of availability of funds, the
8 approval of the Director of the Department of Finance, and/or the enactment by the
9 Legislature and Governor of a “claims bill” that includes the agreed-upon amount. In the
10 event that Defendant has not made the Payment by **October 1, 2019**, Plaintiffs may
11 seek costs, fees, and interest by noticed motion. The time for Plaintiffs to file such a
12 motion for costs and fees is extended until **November 1, 2019**.

13 3. Defendant will make the Payment to Plaintiffs’ counsel in accordance with
14 reasonable payment instructions, which Plaintiffs’ counsel shall provide to counsel for
15 Defendant by email.

16 4. The Payment amount set forth above is in full consideration of any and all
17 claims for attorney’s fees, costs of suit under Rule 54, appellate costs, interest on fees
18 and costs, or any other claims for costs or fees associated with this action.

19 5. Effective upon receipt of the Payment, Plaintiffs will release Defendant from
20 any further claims or liability for fees and costs related to this action or any related
21 action.

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6. Every sixty (60) days after the date this Order is electronically filed, the parties shall submit in writing a joint status report advising the Court of the status of the Payment.

IT IS SO ORDERED.

Dated: February 4, 2019


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

Case Name: **Italian Colors Restaurant v. Kamala D. Harris** No. **2:14-cv-00604-MCE-DAD**

I hereby certify that on January 30, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION AND [PROPOSED] ORDER REGARDING PAYMENT OF ATTORNEYS’ FEES, EXPENSES AND COSTS

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 30, 2019, at Sacramento, California.

Tracie L. Campbell /s/ *Tracie Campbell*
Declarant Signature

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