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22 **UNITED STATES DISTRICT COURT**
23 **EASTERN DISTRICT OF CALIFORNIA**
24 **SACRAMENTO DIVISION**

21 LORENZO MAYS, RICKY
22 RICHARDSON, JENNIFER
23 BOTHUN, ARMANI LEE,
24 LEERTESE BEIRGE, and CODY
25 GARLAND, on behalf of themselves
26 and all others similarly situated,

27 Plaintiffs,

28 v.

COUNTY OF SACRAMENTO,

Defendant.

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Case No. 2:18-cv-02081 TLN KJN

CLASS ACTION

**[PROPOSED] FINDINGS AND
RECOMMENDATIONS RE
PLAINTIFFS' UNOPPOSED
MOTION FOR ATTORNEYS' FEES
AND EXPENSES**

Date: December 6, 2019

Time: 11:00 a.m.

Judge: Hon. Kendall J. Newman

Courtroom: 25

1 This matter comes before the Court upon consideration of Plaintiffs' Unopposed
2 Motion for Attorney's Fees and Expenses (the "Motion"). Having considered the
3 briefing in support of the Motion, responses from class members, relevant legal
4 authority, and the record in this case, the Court finds good cause to recommend the
5 Motion be GRANTED.

6 Pursuant to Federal Rule of Civil Procedure 23(h), class members were informed
7 about the fee request in the Class Notice, and a full copy of the Motion was made
8 available to all class members upon request. Class members were afforded an
9 opportunity to comment or object to the Motion, and this Court held a hearing on the
10 Motion.

11 After review of all briefing and evidence presented, this Court finds that the
12 agreed-upon award of \$2,100,000.00 is fair and reasonable. In this case, Plaintiffs
13 sought to address deficiencies in the medical and mental health care provided to people
14 in Defendant's jails, inadequate suicide prevention policies and practices, the misuse
15 and overuse of solitary confinement, and discrimination against people with disabilities.
16 The Consent Decree does just that. It includes a comprehensive Remedial Plan that
17 requires Defendant to implement specific policies, procedures, and practices intended to
18 ensure minimally adequate mental health and medical care, to ameliorate or eliminate
19 the risks of harm caused by dangerous solitary confinement practices, and to ensure that
20 people with disabilities receive reasonable accommodations and equal access to the
21 programs, services, and activities that Defendant offers in its jails.

22 To get to this result, Plaintiffs devoted more than four years to investigating and
23 litigating this case, meeting, corresponding with, and interviewing prisoners, reviewing
24 and analyzing healthcare records, inspecting the jail facilities, and meeting and
25 negotiating with Defendant. The parties expended considerable time and resources
26 negotiating the terms of the Consent Decree and Remedial Plan.

27 The fee request reasonably reflects the time and labor required to litigate this
28 matter, and was appropriately calculated pursuant to the lodestar method. Though

1 counsel represented the Plaintiffs without charge, Plaintiffs’ counsel exercised the same
2 billing judgment and discretion accorded to private clients. *Gonzalez v. City of*
3 *Maywood*, 729 F.3d 1196, 1202 (9th Cir. 2013) (“Ultimately, a ‘reasonable’ number of
4 hours equals ‘[t]he number of hours . . . [which] could reasonably have been billed to a
5 private client.’”) (citations omitted, alterations in original).

6 Courts have long recognized that the lodestar method of calculating fees is
7 strongly presumed to be reasonable. *Oviatt v. Pearce*, 954 F.2d 1470, 1482 (9th Cir.
8 1992) (“There is a strong presumption that the lodestar figure is reasonable, and
9 adjustments are to be adopted only in exceptional cases.”); *Morales v. City of San*
10 *Rafael*, 96 F.3d 359, 363 n.8 (9th Cir. 1996).

11 The agreed upon fee award fairly reflects the novelty and difficulty of the
12 questions presented, the skill required in litigating this complex case, and the fact that
13 Plaintiffs’ counsel litigated this matter on a contingency basis. In doing so, Plaintiffs’
14 counsel dedicated a significant number of hours and incurred significant out-of-pocket
15 expenses.

16 Thus, the undersigned finds that the request for \$2,100,000.00 in attorney’s fees
17 and expenses is fair, adequate, and reasonable. Because the lodestar rate was calculated
18 based on this unique and complex class action, such rate shall not be cited or referenced
19 in any other lawsuit or other matters, as expressly stated and agreed on the court record.

20 Accordingly, **IT IS HEREBY RECOMMENDED THAT** Plaintiffs’ Unopposed
21 Motion for Attorney’s Fees and Expenses (ECF No. 92) should be GRANTED, as
22 follows:

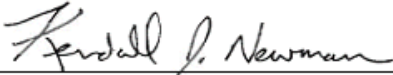
- 23 1. Defendant should be ordered to pay Plaintiffs’ counsel \$2,100,000.00 for
24 reasonable attorney’s fees, expenses, and costs. Payment shall be made in two
25 installments: (1) the first installment in the amount of \$1,050,000.00 by no
26 later than January 31, 2020, and (2) the second installment in the amount of
27 \$1,050,000.00 by no later than July 31, 2020.

1 2. Defendant should be ordered to pay Plaintiffs' counsel reasonable attorneys'
2 fees and expenses up to \$250,000.00 per year for monitoring of
3 implementation of the Consent Decree and Remedial Plan.

4 These findings and recommendations are submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
6 **ten** days after being served with these findings and recommendations, any party may
7 file written objections with the court and serve a copy on all parties. Such a document
8 should be captioned "Objections to Magistrate Judge's Findings and
9 Recommendations." Any response to the objections shall be filed and served within **ten**
10 days after service of the objections. The parties are advised that failure to file
11 objections within the specified time may waive the right to appeal the District Court's
12 order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 The parties are advised that if they do not object to these recommendations, each
14 counsel shall file a statement of non-opposition or statement of no objections, to shorten
15 the objection period and facilitate the adjudication of this motion by the district court.

16 Dated: December 9, 2019

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19 _____
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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