

FILED

MAR 3 2010

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C 90-3094 TEH

ALEJANDRO MADRID, et al.,  
Plaintiffs,  
vs.  
MATTHEW CATE, et al.,  
Defendants.

STIPULATION AND ORDER  
CONFIRMING ATTORNEYS'  
FEES FOR FOURTH QUARTER  
OF 2009

The parties, through their respective counsel, hereby stipulate as follows:

On September 21, 1995, this Court established a procedure by which plaintiffs are to collect attorneys' fees for work performed in connection with monitoring and enforcing compliance with the Court's orders. This procedure requires plaintiffs' counsel to submit to defendants a quarterly statement of fees incurred in monitoring work, and permits defendants 30 days from the receipt of plaintiffs' statement to notify plaintiffs of any disputed items. After the parties meet and confer on any of defendant's objections, counsel shall then prepare a stipulated order for payment of the fees not subject to

1 defendant's objections. The Order also states that  
 2 defendants shall have forty-five days from the entry of the  
 3 order to pay the undisputed fees and that interest on any  
 4 undisputed fees will run from the thirty-first day following  
 5 defendants' receipt of plaintiffs' statement, accruing at  
 6 the rate provided by 28 U.S.C. § 1961. Pursuant to this  
 7 procedure, plaintiffs' counsel sent their fourth quarter  
 8 2009 billing statement demanding \$1,973.60 on defendants on  
 9 February 8, 2010. After a meet and confer, defendants do  
 10 not object to payment of \$1,973.60 in fees and costs for the  
 11 period from October 1, 2009 through December 31, 2009. This  
 12 agreement is in accord with the Joint Stipulation Regarding  
 13 Payment of Fees dated October 2, 2000.

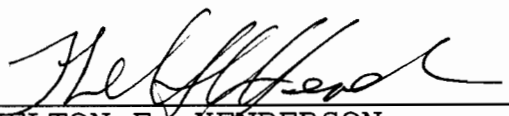
14 WHEREFORE, the following sums are due and collectable  
 15 within 45 days of the signing of this Order:

<u>Accruing</u>	<u>Amount</u>	<u>Rate</u>	<u>Interest Daily Interest</u>	<u>Date Interest Begins</u>
4th Qtr.2009	\$1,973.60	.31%	\$0.001	March 15, 2009

16 (Interest rate equals the weekly average 1 year constant  
 17 maturity treasury yield ending January 28, 2010.)

20 IT IS SO ORDERED.

21 Dated: 3/2/10

  
 THELTON E. HENDERSON  
 Judge  
 U.S. District Court

24 APPROVED AS TO FORM.

25 Dated: 2/24/10

  
 MICHAEL JORGENSEN  
 ATTORNEY FOR DEFENDANTS

27 Dated: 2/8/10

  
 DONALD SPECTER  
 ATTORNEY FOR PLAINTIFFS

DECLARATION OF SERVICE BY MAIL

Case Name: Alejandro Madrid, et al.  
v.  
Matthew Cate, et al

No. C-90-3094 TEH

I am employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause: my business address is Prison Law Office,1917 Fifth Street, Berkeley, California 94710.

On February 24, 2010, I served the attached

**STIPULATION AND ORDER CONFIRMING ATTORNEYS'  
FEES AND COSTS FOR FOURTH QUARTER OF 2009**

in said cause, placing, or causing to be placed, a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Berkeley, California, addressed as follows:

Emily Brinkman, DAG  
Deputy Attorney General  
Office of the Attorney General  
455 Golden Gate, Suite 11000  
San Francisco, CA 94102-3664

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at Berkeley, California on February 24, 2010.

  
Edie DeGraff

MADRID  
TIME AND EXPENSES  
PRISON LAW OFFICE  
10-01-09 thru 12-31-09

<b>MONITORING</b>	<b><u>HOURS</u></b>	<b><u>RATE</u></b>	<b><u>AMOUNT</u></b>
<b><u>ATTORNEYS</u></b>			
Steven Fama	10.30	177.00	1,823.10
<b>TOTAL MONITORING</b>			<b>\$1,823.10</b>
<b><u>FEEES ON FEEES</u></b>			
Eddie DeGraff	0.90	160.00	144.00
<b>TOTAL FEEES ON FEEES</b>			<b>\$144.00</b>
<b><u>EXPENSES</u></b>			<b>\$6.50</b>
<b>TOTAL TIME AND EXPENSES</b>			<b>\$1,973.60</b>

Prison Law Office  
General Delivery  
San Quentin, CA 94964

Madrid v. Davis  
US District Court  
Northern District

In Reference To: No. C 90-3094 TEH

Professional Services

			<u>Hours</u>	<u>Amount</u>
	<u>Other</u>			
10/9/2009	SF	review monthly force documents, received today, for month of September	0.30	
10/12/2009	SF	review BIR semi-annual report covering Jan through June 2009	3.50	
11/30/2009	SF	review proposed CDCR rules re use of force and reporting/review thereof, and compare to Pel Bay policies	2.80	
12/1/2009	SF	draft comments to proposed CDCR use of force rules	2.50	
12/11/2009	SF	review use of force documents received in November	0.40	
	SF	email to opp co requesting copy of use of force incident report	0.10	
	SF	review use of force documents produced in December (one very large packet involving lethal force)	0.50	
	SF	email to opp co and Pel Bay requesting complete 602 and fact finder	0.20	
		For professional services rendered	<u>10.30</u>	<u>\$1,823.10</u>

User Summary

<u>Name</u>		<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Steve Fama		10.30	177.00	\$1,823.10

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US District Court  
Northern District  
Fees on Fees

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Professional Services

	<u>Hours</u>	<u>Amount</u>
<u>Other</u> _____		
10/20/2009 ED Review and finalize time and expenses for 3Q billing	0.90	
For professional services rendered	<u>0.90</u>	<u>\$144.00</u>

User Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Edie DeGraff	0.90	160.00	\$144.00

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Additional Charges :

	<u>Amount</u>
<u>\$general</u>	
12/31/2009 PLO Postage billing 10-1-09 thru 12-31-09	2.10
PLO Copy Machines billing	4.40
Total costs	<u>\$6.50</u>