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9 IN THE UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11

12 MARCIANO PLATA, et al.,  
 13  
 14 Plaintiffs,  
 15 v.  
 16 ARNOLD SCHWARZENEGGER, et al.,  
 17  
 18 Defendants.

No. C-01-1351 T.E.H.  
 STIPULATION AND ORDER FOR  
 COLLECTION OF UNDISPUTED  
 ATTORNEYS' FEES AND COSTS  
 FOR FOURTH QUARTER OF 2008

19 On December 17, 2002, this Court established a procedure by which plaintiffs are  
 20 to collect attorneys' fees and costs incurred in connection with the Stipulation for  
 21 Injunctive Relief. This procedure requires plaintiffs' counsel to submit to defendants a  
 22 quarterly statement of fees incurred in monitoring work, and permits defendants thirty (30)  
 23 days from the receipt of plaintiffs' statement to notify plaintiffs of any disputed items.  
 24 After the parties meet and confer on any of defendant's objections, counsel shall then  
 25 prepare a stipulated order for payment of the fees not subject to defendants' objections.  
 26 The Order also states that defendants shall have thirty (30) days from the entry of the order  
 27 to pay the undisputed fees and that interest on any undisputed fees will run from the  
 28

1 thirty-first day after the Order is filed, accruing at the rate provided by 28 U.S.C. § 1961.

2 Pursuant to this procedure, plaintiffs' counsel served their fourth quarter billing  
3 statement demanding \$122,937 for the period October 1, 2008 through December 30,  
4 2008 on March 23, 2008. Following negotiations, the parties stipulate to a payment of  
5 \$120,764. For purposes of this stipulation, plaintiffs calculated fees for the litigation  
6 assistants at an hourly rate defendants have agreed to pay, but reserve the right to pursue  
7 additional fees for the litigation assistants calculated at the hourly rate set by plaintiffs, as  
8 provided under this Court's December 17, 2002 Order.

9 WHEREFORE, defendants agree to pay plaintiffs' counsel \$120,764 within 30  
10 days of the signing of this Order. On the 31<sup>st</sup> day following the entry of this Order,  
11 interest on any unpaid amount will begin to accrue at the rate provided by 28 U.S.C. §  
12 1961 (i.e., the weekly average 1 year constant maturity Treasury yield for the calendar  
13 week preceding the date of the Order.)

14 AGREED TO BY THE PARTIES:

15 Date: May 6, 2009

16 /s/  
17 Alison Hardy  
18 Attorney for Plaintiffs

19 Date: May 6, 2009

20 Kyle A. Lewis  
21 Kyle A. Lewis  
22 Attorney for Defendants

23 I, Alison Hardy, attest that Kyle Lewis signed this document on \_\_\_\_\_.

24 IT IS SO ORDERED.

25 Date: May 7, 2009

