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 9 IN THE UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
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12
 13 MARCIANO PLATA, et al.,
 14 Plaintiffs,
 15 v.
 16 ARNOLD SCHWARZENEGGER, et al.,
 17 Defendants.
 18

No. C-01-1351 T.E.H.

**STIPULATION AND ~~PROPOSED~~
 ORDER TO STAY PLAINTIFFS’
 MOTION TO COMPEL PAYMENT
 OF REASONABLE PARALEGAL
 FEES FOR WORK PERFORMED
 DURING 2009 UNTIL THE
 RESOLUTION OF PEREZ V. CATE
 APPEAL NO. 09-17185**

1 **STIPULATION TO STAY PLAINTIFFS' MOTION TO COMPEL PAYMENT OF**
2 **REASONABLE PARALEGAL FEES FOR WORK PERFORMED DURING 2009**
3 **UNTIL THE RESOLUTION OF PEREZ V. CATE APPEAL NO. 09-17185**

4 Plaintiffs and Defendants STIPULATE as follows:

5 1. Pursuant to the *Plata* Periodic Fees Order, "Plaintiffs will file a yearly
6 motion to compel payment of disputed items, if necessary, not later than sixty (60) days
7 after the parties meet and confer with respect to the statement covering the fourth quarter
8 of each year." December 17, 2002 Stipulation and Order for Periodic Collection of
9 Attorneys' Fees and Costs (attached as Appendix A). The parties have already stipulated
10 to stay all attorneys' fees, costs and expense matters related to the Three-Judge Panel and
11 related appeals until January 17, 2011. The only remaining, disputed issues from 2009
12 are: (1) Defendants' refusal to pay for any work performed by staff who are not
13 "paralegals" as defined by California Business & Professions Code § 6450, and; (2)
14 Defendants' refusal to pay more than \$135 per hour or \$82.50 per hour for paralegal work
15 on the case.

16 2. Plaintiffs' counsel will file a motion to compel regarding the first issue
17 identified above. By this stipulation, however, the parties agree to extend the briefing and
18 argument schedule for Plaintiffs' motion to compel as follows: Plaintiffs' motion will be
19 due by July 30, 2010; Defendants' opposition to the motion will be due by August 31,
20 2010; Plaintiffs' reply brief will be due by September 17, 2010, and the hearing date for
21 the motion will be set for October 4, 2010.

22 3. With respect to the second issue, Defendants' refusal to pay more than \$135
23 per hour or \$82.50 per hour for paralegal work, the parties agree to stay Plaintiffs' motion
24 on this issue pending final resolution of *Perez, et al. v. Cate, et al.*, Court of Appeals
25 Docket No. 09-17185, United States Court of Appeals for the Ninth Circuit, including any
26 petitions for panel or en banc rehearing, or final resolution in the United States Supreme
27 Court (hereinafter "*Perez* appeal"). In so doing, Plaintiffs do not waive and will enforce
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1 their right to interest in accordance with the provisions set forth in the December 17, 2002
2 *Plata* Fee Order. Nothing in this Stipulation may be deemed a waiver or concession of
3 any party's legal arguments regarding this issue.

4 4. If the requested stay is granted, the parties will meet and confer regarding
5 the paralegal rate issue within 10 days after the mandate issues in the *Perez* appeal. If the
6 parties are still unable to resolve this issue, Plaintiffs will file a motion to compel within
7 60 days of the completion of the meet and confer.

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10 AGREED TO BY THE PARTIES:

11 Date: June 28, 2010

/s/ Alison Hardy

Alison Hardy
Attorney for Plaintiffs

14 Date: June 28, 2010`

/s/ William Kwong

William Kwong
Deputy Attorney General
Attorney for Defendants

18 I, Alison Hardy, attest that William Kwong signed this document on June 28, 2010.
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1 ~~PROPOSED~~ ORDER STAYING PLAINTIFFS' MOTION TO COMPEL
2 PAYMENT OF PARALEGAL RATES UNTIL THE RESOLUTION OF PEREZ V.
3 CATE APPEAL NO. 09-17185

4 Pursuant to the stipulation of the parties, and good cause appearing, this Court stays
5 Plaintiffs' motion to compel payment of more than \$135 per hour or \$82.50 per hour for
6 paralegal work performed during 2009 pending final resolution of *Perez, et al. v. Cate, et*
7 *al.*, Court of Appeals Docket No. 09-17185, United States Court of Appeals for the Ninth
8 Circuit, including any petitions for panel or en banc rehearing or final resolution in the
9 United States Supreme Court. Plaintiffs have preserved and do not waive their right to
10 claim interest in accordance with the provisions set forth in the December 17, 2002 *Plata*
11 *Periodic Fees* order. The parties shall meet and confer regarding the paralegal rate issue
12 within 10 days after the mandate issues in the *Perez* appeal. If the parties are still unable
13 to resolve this issue, Plaintiffs shall file a motion to compel within 60 days of the
14 completion of the meet and confer.

15 With respect to Plaintiffs' yearly motion to compel payment for work performed by
16 staff who are not "paralegals" as defined by California Business & Professions Code §
17 6450, this Court grants the parties' stipulation setting a briefing schedule. Accordingly,
18 Plaintiffs' motion will be due by July 30, 2010; Defendants' opposition to the motion will
19 be due by August 31, 2010; Plaintiffs' reply brief will be due by September 17, 2010, and
20 the hearing date for the motion will be set for October 4, 2010.

21 IT IS SO ORDERED.

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23 Dated: 06/30, 2010

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25 Thelton
26 Senior U.S. District Judge

