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

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

13 MARCIANO PLATA, et al.,  
 14 Plaintiffs,  
 15 v.  
 16 ARNOLD SCHWARZENEGGER, et al.,  
 17 Defendants.  
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**STIPULATION AND ~~PROPOSED~~  
 ORDER FOR COLLECTION OF  
 2008 AND 2009 FORMERLY  
 DISPUTED ATTORNEYS' FEES**

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 20 On June 30, 2010, the parties stipulated that they would meet and confer regarding  
 21 the hourly rates payable to Plaintiffs' paralegals and litigation assistants, within ten days  
 22 after the mandate issued in the *Perez v. Cate* appeal in the Ninth Circuit Court of Appeals  
 23 (Docket No. 543), which addressed 2008 hourly rates for paralegals. Mandate issued on  
 24 February 4, 2011, and the parties thereafter extended the deadline to meet and confer. The  
 25 parties have since met and conferred and hereby stipulate to the following:

- 26 1. This stipulation applies to past due amounts for work performed by  
 27 paralegals and litigation assistants during the years 2008 and 2009. During this period,  
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1 defendants compensated plaintiffs at an interim hourly rate of \$135 for all work performed  
2 by paralegals and litigation assistants during 2008 and the first quarter of 2009, and  
3 \$82.50 for work performed by those individuals in the succeeding three quarters.

4 2. The parties have reached an agreement that, in light of the Ninth Circuit  
5 decision, Defendants will pay the following hourly rates for work performed by paralegals:  
6 \$169.50 for 2008, and \$170 for 2009. The parties further agree that Defendants will pay  
7 the difference between these stipulated hourly rates and the interim hourly rate of either  
8 \$135 or \$82.50 already paid during the pendency of this dispute.

9 3. The parties have further agreed that Defendants will pay the following  
10 hourly rates for work performed by litigation assistants: \$135 for 2008 and \$140 for 2009.  
11 The parties further agree that Defendants will pay the difference between these stipulated  
12 hourly rates and the interim hourly rate of either \$135 or \$82.50 already paid during the  
13 pendency of this dispute.

14 4. Based upon the rates set forth above, for 2008 and 2009, Defendants agree to  
15 pay plaintiffs' counsel \$55,600. This amount shall be paid within 30 days of the signing  
16 of this Order. On the 31<sup>st</sup> day following the entry of this Order, interest on any unpaid  
17 amount will begin to accrue at the rate provided by 28 U.S.C. § 1961 (i.e., the weekly  
18 average 1 year constant maturity Treasury yield for the calendar week preceding the date  
19 of the Order.)

20 5. Plaintiffs agree to waive their right to interest on the 2008 and 2009 fees'  
21 differential from the date of the initial fee request to the present for this settlement. The  
22 parties have reached this agreement solely for the purpose of settling the paralegal and  
23 litigation assistant rate dispute for 2008 and 2009 in this action. The parties agree that the  
24 rates outlined in the stipulation are for settlement purposes only and cannot be introduced  
25 by either party in any other litigation regarding the reasonableness of any particular rate  
26 for any particular year.

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