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

11
12 **No. C05-5241 JSW**

13 CARLOS PEREZ, et al.,

14 Plaintiffs,

15 v.

16 MATTHEW CATE, et al.,

17 Defendants.

**STIPULATION AND ORDER FOR
PERIODIC COLLECTION OF
ATTORNEYS' FEES AND COSTS**

18 On April 10, 2007, this Court established a procedure by which plaintiffs are to
19 collect attorneys' fees and costs incurred in connection with the Amended Stipulation and
20 Order. This procedure requires plaintiffs' counsel to submit to defendants a quarterly
21 statement of fees incurred in monitoring work, and permits defendants thirty (30) days
22 from the receipt of plaintiffs' statement to notify plaintiffs of any disputed items. After the
23 parties meet and confer on any of defendant's objections, counsel shall then prepare a
24 stipulated order for payment of the fees not subject to defendants' objections. The Order
25 also states that defendants shall have thirty (30) days from the entry of the order to pay the
26 undisputed fees and that interest on any undisputed fees will run from the thirty-first day
27 after the Order is filed, accruing at the rate provided by 28 U.S.C. § 1961.

28 Pursuant to this procedure, plaintiffs' counsel served their third quarter billing

1 statement demanding \$21,173 for the period from July 1, 2010 through September 30,
2 2010 on March 1, 2011. Defendants did not object to plaintiffs fee statement. The parties
3 have agreed that the rate of \$145 per hour will be the rate for nonparalegal litigation
4 assistants in 2010. The parties further agree that the 2010 nonparalegal-litigation-assistant
5 rate only pertains to this action and cannot be introduced by either party in any other
6 litigation regarding the reasonableness of any particular rate for any particular year.

7 WHEREFORE, defendants agree to pay plaintiffs' counsel \$21,173 within 30 days
8 of the signing of this Order. On the 31st day following the entry of this Order, interest on
9 any unpaid amount will begin to accrue at the rate provided by 28 U.S.C. § 1961 (i.e., the
10 weekly average 1 year constant maturity Treasury yield for the calendar week preceding
11 the date of the Order.)

12 AGREED TO BY THE PARTIES:

13 Date: April 13, 2011

14 /s/

Alison Hardy
Attorney for Plaintiffs

17 Date: April 13, 2011

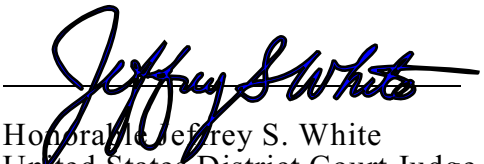
18 /s/

Damon McClain
Deputy Attorney General
Attorney for Defendants

21 I, Alison Hardy, attest that Damon McClain signed this document on April 13, 2011.
22

23 **IT IS SO ORDERED.**

24 Date: April 13, _____, 2011

25 

Honorable Jeffrey S. White
United States District Court Judge