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14
 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 OAKLAND DIVISION

18 JOHN ARMSTRONG, et al.,
 19 Plaintiffs,
 20 v.
 21 ARNOLD SCHWARZENEGGER, et al.,
 22 Defendants

Case No. C94 2307 CW

**STIPULATION AND ORDER
 EXTENDING TIME IN WHICH
 PLAINTIFFS MAY MOVE TO COMPEL
 CERTAIN DISPUTED ATTORNEYS'
 FEES AND COSTS INCURRED IN 2008**

1 On March 26, 1997, the District Court established procedures by which plaintiffs are to
2 collect periodic attorneys' fees and costs in this case in connection with their work monitoring
3 defendants' compliance with the Court's Orders and collecting fees (the 'Periodic Fees Order').

4 Pursuant to the Periodic Fees Order, certain fees and costs remain in dispute from the
5 third and fourth quarters of 2008. The parties completed their meet and confer on the disputed
6 items regarding the Division of Adult Parole Operations on March 27, 2009, and on the
7 disputed items regarding the California Department of Corrections and Rehabilitation, Adult
8 Operations and Adult Programs and Board of Parole Hearings, on April 6, 2009, but some
9 issues remain in dispute.

10 WHEREAS, pursuant to the Periodic Fees Order, motions to compel disputed fees are
11 generally due sixty (60) days after the completion of the fourth quarter meet and confer; and

12 WHEREAS, Defendants have filed an appeal to the Ninth Circuit Court of Appeals,
13 Docket No. 07-17342, regarding this Court's Denial of Reconsideration with respect to a
14 Motion to Enforce the September 11, 2007 Enforcement Order (the 'BPH appeal'), which is still
15 pending; and

16 WHEREAS, Plaintiffs have incurred and claimed certain fees and costs as a result of the
17 BPH appeal, which Defendants dispute; and

18 WHEREAS, the Motion to Compel 2008 disputed fees and costs for the Division of
19 Adult Parole Operations Costs is currently due to be filed on or about May 26, 2009, while the
20 Board of Parole Hearings and Adult Operations and Adult Programs Motion to Compel 2008
21 Disputed Fees and Costs is due to be filed on or about June 5, 2009; and

22 WHEREAS, the parties seek to resolve their differences in the most efficient manner
23 possible and reduce the burden on the Court;

24 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

25 1. All disputes regarding 2008 fees and costs incurred by Plaintiffs with regard to
26 the BPH appeal shall be held in abeyance and all deadlines on motions to compel these fees
27 and costs shall be tolled and not run until sixty (60) days after the Ninth Circuit issues the
28 mandate in the BPH appeal; and

1 2. All motions to compel regarding 2008 disputed fees and costs incurred by
2 Plaintiffs except those incurred for the BPH appeal shall be due to be filed on or before June 5,
3 2009.

4 Dated: May 19, 2009

ROSEN, BIEN & GALVAN, LLP

6 By: /s/ Gay Crosthwait Grunfeld
7 Gav Crosthwait Grunfeld
Attorneys for Plaintiffs

8 Dated: May 19, 2009

9 By: /s/ Jay Russell
10 Jay Russell
Attorneys for Defendants

11 IT IS SO ORDERED:

12 5/21

13 Dated: _____ 2009



14 _____
The Honorable Claudia Wilken
United States District Judge