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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION
 14

15 JOHN ARMSTRONG, et al.,
 16 Plaintiffs,
 17 v.
 18 ARNOLD SCHWARZENEGGER, et al.,
 19 Defendants.

Case No. C94 2307 CW

**ORDER CONFIRMING UNDISPUTED
 CALIFORNIA DEPARTMENT OF
 CORRECTIONS AND
 REHABILITATION ATTORNEY’S
 FEES AND COSTS FOR THE FOURTH
 QUARTER OF 2010, AND
 CONFIRMING RESOLUTION OF
 CERTAIN ATTORNEY’S FEES AND
 COSTS INCURRED ON APPEAL**

23 On March 26, 1997, the District Court established procedures by which Plaintiffs are to
 24 collect periodic attorneys’ fees and costs in this case in connection with their work monitoring
 25 Defendants’ compliance with the Court’s Orders and collecting fees.

26 Pursuant to these procedures, on January 26, 2011 Plaintiffs served on Defendants their
 27 Fourth Quarterly Statement for 2010, by overnight delivery. The parties completed their meet-
 28

1 and-confer process on March 3, 2011 as to the number of hours and costs incurred, but not as
2 to Plaintiffs' claim to 2010 hourly rates.

3 Pursuant to the Stipulation and Order Re Procedure for Resolving Attorney's Fees
4 Incurred on Appeal (Docket No. 1827, entered January 19, 2011), on March 3, 2011 the parties
5 also met and conferred regarding Plaintiffs' claims to fees and expenses incurred in Ninth
6 Circuit Case No. 09-17144, which were transferred to this Court.

7 As a result of the March 3, 2011 agreement, the parties agree to the following:

8 The parties agree to the payment of \$624,143.97 for undisputed fees and costs incurred
9 during the Fourth Quarter of 2010, for monitoring and fee collection activities in the California
10 Department of Corrections of Rehabilitation Division of Adult Operations and Adult Programs
11 (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are charts setting forth the
12 fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these
13 claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010 rates for the
14 undisputed hours incurred in Quarter Four of 2010, also reflected on Exhibit A.

15 The parties agree to the payment of \$197,340.35 for undisputed fees and costs incurred
16 during the Fourth Quarter of 2010, for monitoring and fee collection activities in the Board of
17 Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts setting
18 forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle
19 these claims. Remaining in dispute is the difference between Plaintiffs' 2008 and 2010 rates
20 for the undisputed hours incurred in Quarter Four of 2010, also reflected on Exhibit B.

21 The parties agree to the payment of \$49,025.00 for undisputed fees and costs incurred
22 during the Fourth Quarter of 2010, for monitoring and fee collection activities in the Division
23 of Adult Parole Operations (DAPO) portion of the case. Attached hereto as **Exhibit C** are
24 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
25 parties to settle these claims. Remaining in dispute is the difference between Plaintiffs' 2008
26 and 2010 rates for the undisputed hours incurred in Quarter Four of 2010, also reflected on
27 Exhibit C.

1 The parties agree to the payment of \$250,000.00 for the resolution of Plaintiffs' claims
2 for Ninth Cir. Case No. 09-17144.

3 IT IS HEREBY ORDERED that the amounts set forth above are due and collectable as
4 of forty-five days from the date of entry of this Order. Interest on these fees and costs will run
5 from February 28, 2011, accruing at the rate provided by 28 U.S.C. § 1961.

6
7 DATED: 3/09/2011


8 THE HONORABLE CLAUDIA WILKEN
9 UNITED STATES DISTRICT JUDGE

10 APPROVED AS TO FORM:

11
12 /s/ Jay C. Russell
13 Jay C. Russell
14 Deputy Attorney General
15 Attorney for Defendants

DATED: March 4, 2011

16 /s/ Holly M. Baldwin
17 Holly M. Baldwin
18 Rosen, Bien & Galvan, LLP
19 Attorneys for Plaintiffs

DATED: March 4, 2011