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9 Attorneys for Plaintiffs

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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13  
 14 JOHN ARMSTRONG, et al.,  
 15 Plaintiffs,  
 16 v.  
 17 EDMUND G. BROWN, JR., et al.,  
 18 Defendants.<sup>1</sup>

Case No. C94 2307 CW

**[PROPOSED] ORDER CONFIRMING  
 UNDISPUTED CALIFORNIA  
 DEPARTMENT OF CORRECTIONS  
 AND REHABILITATION  
 ATTORNEY’S FEES AND COSTS  
 FOR THE SECOND QUARTER OF  
 2011**

Judge: Hon. Claudia Wilken

26 \_\_\_\_\_  
 27 <sup>1</sup> The names of Defendants currently serving and their capacities have been substituted  
 28 pursuant to Fed. R. Civ. P. 25.

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

4 Pursuant to these procedures, on July 27, 2011 Plaintiffs served on Defendants their  
5 Second Quarterly Statement for 2011, by overnight delivery. The parties completed their  
6 meet-and-confer process on September 28, 2011 as to the number of hours and costs  
7 incurred on all matters, but not as to Plaintiffs' claim for payment at 2011 hourly rates.

8 As a result of the September 28, 2011 agreement, the parties agree to the following:

9 The parties agree to the payment of \$849,694.14 for undisputed fees and costs  
10 incurred during the Second Quarter of 2011, for monitoring and fee collection activities in  
11 the California Department of Corrections of Rehabilitation Division of Adult Operations  
12 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are  
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by  
14 the parties to settle these claims. Remaining in dispute is the difference between Plaintiffs'  
15 2010 and 2011 rates for the undisputed hours incurred in Quarter Two of 2011, also  
16 reflected on Exhibit A.

17 The parties agree to the payment of \$450,417.42 for undisputed fees and costs  
18 incurred during the Second Quarter of 2011, for monitoring and fee collection activities in  
19 the Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are  
20 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by  
21 the parties to settle these claims. Remaining in dispute is the difference between Plaintiffs'  
22 2010 and 2011 rates for the undisputed hours incurred in Quarter Two of 2011, also  
23 reflected on Exhibit B.

24 The parties agree to the payment of \$62,322.15 for undisputed fees and costs  
25 incurred during the Second Quarter of 2011, for monitoring and fee collection activities in  
26 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as  
27 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts  
28 agreed to by the parties to settle these claims. Remaining in dispute is the difference

1 between Plaintiffs' 2010 and 2011 rates for the undisputed hours incurred in Quarter Two  
2 of 2011, also reflected on Exhibit C.

3 IT IS HEREBY ORDERED that the amounts set forth above are due and  
4 collectable as of forty-five days from the date of entry of this Order. Interest on these fees  
5 and costs will run from August 28, 2011, accruing at the rate provided by 28 U.S.C.  
6 § 1961.

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9 DATED: 10/5/2011

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\_\_\_\_\_  
THE HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

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14 APPROVED AS TO FORM:

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*/s/ Scott Feudale*

DATED: October 4, 2011

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Scott J. Feudale  
Deputy Attorney General  
Attorney for Defendants

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*/s/ Kenneth Walczak*

DATED: September 30, 2011

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Kenneth M. Walczak  
Rosen, Bien & Galvan, LLP  
Attorneys for Plaintiffs

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