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9 Attorneys for Plaintiffs

10  
 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.

Case No. C94 2307 CW

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

Judge: Hon. Claudia Wilken

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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 January 20, 2012, Plaintiffs served on Defendants  
5 their Fourth Quarterly Statement for 2011 by overnight delivery. The parties completed  
6 their meet-and-confer process on February 23, 2012 as to the number of hours and costs  
7 incurred on all matters.

8 As a result of the February 23, 2012 agreement, the parties agree to the following:

9 The parties agree to the payment of \$774,132.22 for undisputed fees and costs  
10 incurred during the Fourth 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.

15 The parties agree to the payment of \$261,471.49 for undisputed fees and costs  
16 incurred during the Fourth Quarter of 2011, for monitoring and fee collection activities in  
17 the Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are  
18 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by  
19 the parties to settle these claims.

20 The parties agree to the payment of \$47,162.98 for undisputed fees and costs  
21 incurred during the Fourth Quarter of 2011, for monitoring and fee collection activities in  
22 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as  
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts  
24 agreed to by the parties to settle these claims.

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1 IT IS HEREBY ORDERED that the amounts set forth above are due and  
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees  
3 and costs will run from February 20, 2012 accruing at the rate provided by 28 U.S.C.  
4 § 1961.

5  
6 DATED: 3/7/2012

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8   
9 THE HONORABLE CLAUDIA WILKEN  
10 UNITED STATES DISTRICT JUDGE

11 APPROVED AS TO FORM:

12 /s/ Scott Feudale

DATED: March 6, 2012

13  
14 Scott Feudale  
15 Deputy Attorney General  
16 Attorney for Defendants

17 /s/ Kenneth M. Walczak

DATED: February 28, 2012

18  
19 Kenneth M. Walczak  
20 Rosen, Bien & Galvan, LLP  
21 Attorneys for Plaintiffs

# EXHIBIT A

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2011  
October 1, 2011 through December 31, 2011

**CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS**

<b><u>MATTER</u></b>	<b><u>FEES</u></b>	<b><u>COSTS</u></b>
CDCR/AOAP MONITORING	\$717,940.00	\$28,740.43
CDCR/AOAP FEES	<u>\$27,122.50</u>	<u>\$329.29</u>
<b>TOTALS</b>	<b>\$745,062.50</b>	<b>\$29,069.72</b>
	<b>GRAND TOTAL:</b>	<b>\$774,132.22</b>

**Armstrong v. Brown**  
 Summary of Undisputed Fees  
 4th Quarter - October 1, 2011 through December 31, 2011  
**Matter: CDCR/AOAP Fees Work**

	<u>Actual</u> <u>Hours</u>	<u>Undisputed</u> <u>Hours</u>	<u>2011</u> <u>Rates</u>	<u>Fees Now</u> <u>Owing</u>
<b><u>FEES (581-2)</u></b>				
<b><u>ROSEN, BIEN &amp; GALVAN</u></b>				
Michael W. Bien (MWB)	0.20	0.00	\$740	\$0.00
Gay C. Grunfeld (GCG)	9.30	8.70	\$625	\$5,437.50
Shirley Huey (SH)	0.20	0.00	\$440	\$0.00
Kenneth Walczak (KMW)	12.10	10.40	\$420	\$4,368.00
Lisa Ells (LAE)	0.60	0.00	\$385	\$0.00
Blake Thompson (BT)	4.60	4.60	\$350	\$1,610.00
Sumana Cooppan (SC)	0.40	0.00	\$315	\$0.00
Karen Stilber (KES)	19.30	16.30	\$250	\$4,075.00
Carolina Casanas (CPC)	0.60	0.00	\$230	\$0.00
Haruka Roudeshush (HR)	0.20	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>47.30</u>	<u>43.90</u>	<u>\$205</u>	<u>\$8,999.50</u>
<b>Total Hours:</b>	<b>94.80</b>	<b>83.90</b>		
<b>RBG UNDISPUTED FEES:</b>				<b>\$24,490.00</b>
<b><u>PRISON LAW OFFICE</u></b>				
<u>Eddie DeGraff (ED)</u>	<u>9.10</u>	<u>9.10</u>	<u>\$175</u>	<u>\$1,592.50</u>
<b>Total Hours:</b>	<b>9.10</b>	<b>9.10</b>		
<b>PLO UNDISPUTED FEES:</b>				<b>\$1,592.50</b>
<b>INTEREST OWED FOR Q2 2011</b>				<b>\$1,040.00</b>
<b>TOTAL UNDISPUTED FEES WORK:</b>				<b>\$27,122.50</b>

**Armstrong v. Brown**  
 Summary of Undisputed Fees  
 4th Quarter - October 1, 2011 through December 31, 2011  
 Matter: CDCR/AOAP Monitoring/Merits

**Monitoring (581-3)**

	<u>Actual</u> <u>Hours</u>	<u>Undisputed</u> <u>Hours</u>	<u>2011</u> <u>Rates</u>	<u>Fees Now</u> <u>Owing</u>
<b><u>ROSEN, BIEN &amp; GALVAN</u></b>				
Michael W. Bien (MWB)	29.80	29.70	\$740	\$21,978.00
Gay C. Grunfeld (GCG)	29.40	29.10	\$625	\$18,187.50
Ernest Galvan (EG)	1.10	0.00	\$590	\$0.00
Tom Nolan (TN)	87.60	87.60	\$525	\$45,990.00
Kenneth M. Walczak (KMW)	0.10	0.00	\$420	\$0.00
Lisa Ells (LAE)	88.60	83.80	\$385	\$32,263.00
Laura Boysen-Aragon (LBA)	83.80	82.30	\$365	\$30,039.50
Blake Thompson (BT)	111.20	110.30	\$350	\$38,605.00
Michael Freedman (MLF)	157.30	157.20	\$325	\$51,090.00
Sumana Cooppan (SC)	3.40	0.00	\$315	\$0.00
Kevin Jones (KEJ)	0.20	0.00	\$275	\$0.00
Josephine Weinberg (JBW)	76.10	75.50	\$250	\$18,875.00
Carolina Casanas (CPC)	2.10	0.00	\$230	\$0.00
Karen Stilber (KES)	2.10	0.00	\$250	\$0.00
Diana Ruslani (DAR)	10.90	5.60	\$205	\$1,148.00
Marc Shinn-Krantz (MSK)	108.90	105.20	\$205	\$21,566.00
Haruka Roudebush (HR)	221.30	164.60	\$205	\$33,743.00
<u>Hugo Cabrera (HDC)</u>	<u>142.60</u>	<u>137.70</u>	<u>\$205</u>	<u>\$28,228.50</u>
<b>Total Hours:</b>	<b>1,156.50</b>	<b>1,068.60</b>		

**RBG UNDISPUTED FEES:**

**\$341,713.50**

**PRISON LAW OFFICE**

Donald Specter (DS)	11.70	11.70	\$750	\$8,775.00
Steve Fama (SF)	0.50	0.50	\$675	\$337.50
Sara Norman (SN)	2.60	2.60	\$560	\$1,456.00
Alison Hardy (AH)	1.60	1.60	\$540	\$864.00
Rebekah Evenson (RE)	214.60	214.60	\$495	\$106,227.00
Megan Hagler (MH)	139.30	139.30	\$420	\$58,506.00
Penny Godbold (PG)	143.00	143.00	\$420	\$60,060.00
Susan D. Christian (SDC)	4.00	4.00	\$570	\$2,280.00
Corene Kendrick (CK)	179.70	179.70	\$420	\$75,474.00
Vincent Quan (VC)	80.10	80.10	\$185	\$14,818.50
Riley Doyle Evans (RDE)	68.30	68.30	\$185	\$12,635.50
Simon Woodard (SW)	74.40	74.40	\$185	\$13,764.00
Madeline Bailey (MB)	43.50	43.50	\$185	\$8,047.50
Lauren Kelleher (LK)	49.70	49.70	\$185	\$9,194.50
<u>Viraj Talwar (VT)</u>	<u>18.80</u>	<u>18.80</u>	<u>\$185</u>	<u>\$3,478.00</u>
<b>Total Hours:</b>	<b>1,031.80</b>	<b>1,031.80</b>		

**PLO UNDISPUTED FEES:**

**\$375,917.50**

**DISABILITY RIGHTS EDUCATION AND DEFENSE FUND**

Linda Kilb (LDK)	0.20	0.20	\$585	\$117.00
<u>Hongyu Min (HM)</u>	<u>4.70</u>	<u>2.40</u>	<u>\$80</u>	<u>\$192.00</u>
<b>Total Hours:</b>	<b>4.90</b>	<b>2.60</b>		

**DREDF UNDISPUTED FEES:**

**\$309.00**

**TOTAL UNDISPUTED MONITORING FEES:**

**\$717,940.00**

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2011  
October 1, 2011 to December 31, 2011

**Costs**

***Matter: CDCR/AOAP Merits/Monitoring***

<b><u>Rosen, Bien &amp; Galvan (581-3)</u></b>	<b><u>Undisputed Costs</u></b>
Photocopying (In house)	\$1,252.80
Photocopying (Outside)	\$1,317.00
Lexis / Westlaw	\$240.59
Online Research - PACER	\$19.76
Postage & Delivery	\$678.38
Travel - Mileage, Tolls, Food	\$4,399.57
Telephone	\$35.20
Expert, Paul Bishop	\$9,145.00
<u>Interpreting and Translation Services</u>	<u>\$320.00</u>
<b>Total RBG Costs:</b>	<b>\$17,408.30</b>

<b><u>Prison Law Office</u></b>	
Photocopying (In house)	\$1,347.20
Lexis / Westlaw	\$34.88
Travel - Mileage, Tolls, Food	\$6,399.63
Interpreting and Translation Services	\$1,050.00
<u>Expert, Paul Bishop</u>	<u>\$1,627.50</u>
<b>Total PLO Costs:</b>	<b>\$11,080.61</b>

<b><u>Disability Rights Education &amp; Defense Fund, Inc.</u></b>	
Photocopying (in-house)	\$209.20
Postage & Delivery	\$38.64
<u>Online Research - PACER</u>	<u>\$3.68</u>
<b>Total DREDF Costs:</b>	<b>\$251.52</b>

**TOTAL UNDISPUTED MONITORING COSTS: \$28,740.43**

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2011  
October 1, 2011 to December 31, 2011

**Costs**

***Matter: CDCR/AOAP Fees Work***

<b><u>Rosen, Bien &amp; Galvan (581-2)</u></b>	<b><u>Undisputed Costs</u></b>
Photocopying (in-house)	\$82.40
Online Research - PACER	\$2.56
Telephone	\$1.00
<u>Postage &amp; Delivery</u>	<u>\$243.33</u>
<b>Total RBG Costs:</b>	<b>\$329.29</b>

**TOTAL UNDISPUTED FEES COSTS : \$329.29**



# EXHIBIT B

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2011  
October 1, 2011 through December 31, 2011

**BPH SUMMARY OF UNDISPUTED FEES AND COSTS**

<b><u>MATTER</u></b>	<b><u>FEES</u></b>	<b><u>COSTS</u></b>
BPH MONITORING	\$247,455.00	\$9,902.99
BPH FEES	<u>\$4,113.50</u>	<u>\$0.00</u>
<b>TOTALS</b>	<b>\$251,568.50</b>	<b>\$9,902.99</b>
	<b>GRAND TOTAL:</b>	<b>\$261,471.49</b>

**Armstrong v. Brown**  
 Summary of Undisputed Fees  
 4th Quarter - October 1, 2011 through December 31, 2011  
 Matter: **BPH Monitoring**

	<u>Actual</u> <u>Hours</u>	<u>Undisputed</u> <u>Hours</u>	<u>2011</u> <u>Rates</u>	<u>Fees Now</u> <u>Owing</u>
<b><u>BPH MONITORING (581-4)</u></b>				
<b><u>ROSEN, BIEN &amp; GALVAN</u></b>				
Michael W. Bien (MWB)	17.20	17.20	\$740	\$12,728.00
Gay C. Grunfeld (GCG)	76.20	76.20	\$625	\$47,625.00
Ernest Galvan (EG)	7.30	7.30	\$590	\$4,307.00
Shirley Huey (SH)	12.50	11.80	\$440	\$5,192.00
Kenneth Walczak (KMW)	16.60	16.00	\$420	\$6,720.00
Lisa Ells (LAE)	1.40	0.00	\$385	\$0.00
Katherine Mantoan (KGM)	2.70	0.00	\$370	\$0.00
Laura Boysen-Aragon (LBA)	1.00	0.00	\$365	\$0.00
Aaron Fischer (AJF)	52.60	52.60	\$365	\$19,199.00
Blake Thompson (BT)	68.60	67.60	\$350	\$23,660.00
Michael Freedman (MLF)	106.40	98.60	\$325	\$32,045.00
Sumana Cooppan (SC)	24.10	23.30	\$315	\$7,339.50
Kevin Jones (KEJ)	0.70	0.00	\$275	\$0.00
Raquel V. Dizon (RVD)	5.60	5.10	\$250	\$1,275.00
Karen Stilber (KES)	33.90	33.50	\$250	\$8,375.00
Carolina Casanas (CPC)	26.90	23.40	\$230	\$5,382.00
Elizabeth S. Hennessey (ESH)	12.50	12.20	\$205	\$2,501.00
Marc Shinn-Krantz (MSK)	0.60	0.00	\$205	\$0.00
Diana Ruslani (DAR)	0.50	0.00	\$215	\$0.00
Doris Tseng (DT)	1.40	0.00	\$205	\$0.00
Haruka Roudebush (HR)	3.70	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>45.00</u>	<u>41.70</u>	<u>\$205</u>	<u>\$8,548.50</u>
<b>Total Hours:</b>	<b>517.40</b>	<b>486.50</b>		
<b>RBG UNDISPUTED FEES:</b>				<b>\$184,897.00</b>
<b><u>BINGHAM MCCUTCHEN</u></b>				
<u>Tracey D. Berger (TB)</u>	<u>29.20</u>	<u>29.20</u>	<u>\$530</u>	<u>\$15,476.00</u>
<b>Total Hours:</b>	<b>29.20</b>	<b>29.20</b>		
<b>BMc UNDISPUTED FEES:</b>				<b>\$15,476.00</b>
<b><u>PRISON LAW OFFICE</u></b>				
<u>Susan Christian (SDC)</u>	<u>82.60</u>	<u>82.60</u>	<u>\$570</u>	<u>\$47,082.00</u>
<b>Total Hours:</b>	<b>82.60</b>	<b>82.60</b>		
<b>PLO UNDISPUTED FEES:</b>				<b>\$47,082.00</b>
<b>TOTAL UNDISPUTED FEES FOR BPH MONITORING WORK:</b>				<b>\$247,455.00</b>

**Armstrong v. Brown**  
 Summary of Undisputed Fees  
 4th Quarter - October 1, 2011 through December 31, 2011  
 Matter: **BPH Fees**

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<b><u>BPH FEES (581-4A)</u></b>				
<b><u>ROSEN, BIEN &amp; GALVAN</u></b>				
Gay C. Grunfeld (GCG)	2.00	2.00	\$625	\$1,250.00
Kenneth M. Walczak (KMW)	0.60	0.00	\$420	\$0.00
Blake Thompson (BT)	1.10	1.10	\$350	\$385.00
Hugo Cabrera (HDC)	<u>11.50</u>	<u>11.00</u>	<u>\$205</u>	<u>\$2,255.00</u>
<b>Total Hours:</b>	<b>15.20</b>	<b>14.10</b>		
<b>RBG UNDISPUTED FEES:</b>				<b>\$3,890.00</b>
<b><u>BINGHAM MCCUTCHEN</u></b>				
Geoffrey T. Holtz (GH)	<u>0.20</u>	<u>0.20</u>	<u>\$680</u>	<u>\$136.00</u>
<b>Total Hours:</b>	<b>0.20</b>	<b>0.20</b>		
<b>BMc UNDISPUTED FEES:</b>				<b>\$136.00</b>
<b><u>PRISON LAW OFFICE</u></b>				
Eddie DeGraff (ED)	<u>0.50</u>	<u>0.50</u>	<u>\$175</u>	<u>\$87.50</u>
<b>Total Hours:</b>	<b>0.50</b>	<b>0.50</b>		
<b>PLO UNDISPUTED FEES:</b>				<b>\$87.50</b>
<b>TOTAL UNDISPUTED FEES FOR BPH FEES WORK:</b>				<b>\$4,113.50</b>

**Armstrong v. Brown**

Fourth Quarterly Statement of 2011  
October 1, 2011 to December 31, 2011

**Costs**

***Matter: BPH Monitoring***

**Rosen, Bien & Galvan (581-4)**

Photocopying (In-house)	\$1,305.80
Photocopying (Outside)	\$2,825.75
Online Research - PACER	\$13.28
Lexis / Westlaw	\$946.34
Postage and Delivery	\$152.18
Interpreting and Translation Services	\$97.75
Telephone	\$0.90
Travel - Mileage, Tolls, Food	\$3,050.94
<u>Deposition Transcripts</u>	<u>\$195.00</u>
<b>Total RBG Costs:</b>	<b>\$8,587.94</b>

**Prison Law Office**

<u>Sue Christian Travel Expenses</u>	<u>\$620.46</u>
<b>Total PLO Costs:</b>	<b>\$620.46</b>

**BINGHAM MCCUTCHEN**

<u>Travel - Mileage, Tolls, Food</u>	<u>\$694.59</u>
	<b>\$694.59</b>

**TOTAL UNDISPUTED BPH MONITORING COSTS: \$9,902.99**

# EXHIBIT C

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2011  
October 1, 2011 through December 31, 2011

**DAPO SUMMARY OF UNDISPUTED FEES AND COSTS**

<b><u>MATTER</u></b>	<b><u>FEES</u></b>	<b><u>COSTS</u></b>
DAPO MONITORING	\$44,747.00	\$1,899.48
DAPO FEES	<u>\$516.50</u>	<u>\$0.00</u>
<b>TOTALS</b>	<b>\$45,263.50</b>	<b>\$1,899.48</b>
	<b>GRAND TOTAL:</b>	<b>\$47,162.98</b>

**Armstrong v. Brown**  
 Summary of Undisputed Fees  
 4th Quarter - October 1, 2011 through December 31, 2011  
***Matter: DAPO Monitoring***

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<b><u>DAPO MONITORING (581-9)</u></b>				
<b><u>ROSEN, BIEN &amp; GALVAN</u></b>				
Michael Bien (MWB)	1.00	0.00	\$740	\$0.00
Gay C. Grunfeld (GCG)	7.60	6.40	\$625	\$4,000.00
Shirley Huey (SH)	0.60	0.00	\$440	\$0.00
Kenneth M. Walczak (KMW)	28.00	26.40	\$420	\$11,088.00
Lisa Ells (LAE)	0.30	0.00	\$385	\$0.00
Blake Thompson (BT)	0.50	0.00	\$350	\$0.00
Michael Freedman (MLF)	4.70	0.00	\$325	\$0.00
Sumana Cooppan (SC)	50.20	48.90	\$315	\$15,403.50
Karen Stilber (KES)	15.10	14.30	\$250	\$3,575.00
Diana Ruslani (DAR)	59.50	52.10	\$205	\$10,680.50
Haruka Roudebush (HR)	0.80	0.00	\$205	\$0.00
Marc Shinn-Krantz (MSK)	0.40	0.00	\$205	\$0.00
<u>Hugo Cabrera (HDC)</u>	<u>0.30</u>	<u>0.00</u>	<u>\$205</u>	<u>\$0.00</u>
<b>Total Hours:</b>	<b>169.00</b>	<b>148.10</b>		
<b>RBG UNDISPUTED FEES:</b>				<b>\$44,747.00</b>
<b>TOTAL UNDISPUTED FOR DAPO MONITORING WORK:</b>				<b>\$44,747.00</b>

**Armstrong v. Brown**  
 Summary of Undisputed Fees  
 4th Quarter - October 1, 2011 through December 31, 2011  
***Matter: DAPO Fees***

	<u>Actual Hours</u>	<u>Undisputed Hours</u>	<u>2011 Rates</u>	<u>Fees Now Owing</u>
<b><u>DAPO FEES (581-10)</u></b>				
<b><u>ROSEN, BIEN &amp; GALVAN</u></b>				
Kenneth M. Walczak (KMW)	0.40	0.40	\$420	\$168.00
<u>Hugo Cabrera (HDC)</u>	<u>1.70</u>	<u>1.70</u>	<u>\$205</u>	<u>\$348.50</u>
<b>Total Hours:</b>	<b>2.10</b>	<b>2.10</b>		
<b>RBG UNDISPUTED FEES:</b>				<b>\$516.50</b>
<b>TOTAL UNDISPUTED FOR DAPO FEES WORK:</b>				<b>\$516.50</b>



**Armstrong v. Brown**  
Fourth Quarterly Statement of 2011  
October 1, 2011 to December 31, 2011

**Costs**

***Matter: DAPO Monitoring***

**Rosen, Bien & Galvan (581-9)**

	<b><u>Undisputed Costs</u></b>
Photocopying (in-house)	\$72.80
Photocopying (outside)	\$204.69
Postage & Delivery	\$44.64
Telephone	\$3.20
<u>Travel</u>	<u>\$1,574.15</u>
<b>Total RBG Costs:</b>	<b>\$1,899.48</b>

**TOTAL UNDISPUTED DAPO MONITORING COSTS:            \$1,899.48**