1 2 3 4	DONALD SPECTER – 083925 REBEKAH EVENSON – 207825 PRISON LAW OFFICE 1917 Fifth Street Berkeley, California 94710-1916 Telephone: (510) 280-2621 Facsimile: (510) 280-2704	GEOFFREY T. HOLTZ – 191370 BINGHAM McCUTCHEN LLP Three Embarcadero Center San Francisco, California 94111-4066 Telephone: (415) 393-2000 Facsimile: (415) 393-2286
	LINDA D. KILB – 136101 DISABILITY RIGHTS EDUCATION & DEFENSE FUND, INC. 3075 Adeline Street, Suite 201 Berkeley, California 94703 Telephone: (510) 644-2555 Facsimile: (510) 841-8645 Attorneys for Plaintiffs	MICHAEL W. BIEN – 096891 ERNEST GALVAN – 196065 GAY C. GRUNFELD – 121944 BLAKE THOMPSON – 255600 MICHAEL FREEDMAN – 262850 ROSEN BIEN GALVAN & GRUNFELD LLP 315 Montgomery Street, Tenth Floor San Francisco, California 94104-1823 Telephone: (415) 433-6830 Facsimile: (415) 433-7104
12 13 14		S DISTRICT COURT RICT OF CALIFORNIA
 15 16 17 18 19 20 21 22 23 24 25 	JOHN ARMSTRONG, et al., Plaintiffs, v. EDMUND G. BROWN, JR., et al., Defendants.	Case No. C94 2307 CW PROPOSED STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE THIRD QUARTER OF 2013 Judge: Hon. Claudia Wilken
26 27 28		
		C94 2307 CW UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
		JARTER OF 2013
		Dockets.Justia.com

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

Pursuant to these procedures, on October 23, 2013 Plaintiffs served on Defendants
their Third Quarterly Statement for 2013 by overnight delivery. The parties completed
their meet-and-confer process on January 15, 2014 as to the fees and costs incurred on all
matters.

As a result of the January 15, 2014 agreement, the parties agree to the following:
The parties agree to the payment of \$599,390.06 for undisputed fees and costs
incurred during the Third Quarter of 2013, for monitoring and/or litigation activities in the
California Department of Corrections of Rehabilitation Division of Adult Operations and
Adult Programs (CDCR AOAP) portion of the case. Attached hereto as Exhibit A are
charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
the parties to settle these claims.

The parties agree to the payment of \$184,300.61 for undisputed fees and costs
incurred during the Third Quarter of 2013, for monitoring and/or litigation activities in the
Board of Parole Hearings (BPH) portion of the case. Attached hereto as Exhibit B are
charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
the parties to settle these claims.

The parties agree to the payment of \$47,810.86 for undisputed fees and costs
incurred during the Third Quarter of 2013, for monitoring and/or litigation activities in the
Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
agreed to by the parties to settle these claims.

The parties agree to the payment of \$1,637.33 for undisputed fees and costs
 incurred during the Third Quarter of 2013, for activities in the County Jail Appeal portion
 of the case. Attached hereto as **Exhibit D** are charts setting forth the fees and costs
 claimed by Plaintiffs and the amounts agreed to by the parties to settle these claims.
 <u>1</u> <u>C94 2307 CW</u>
 [PROPOSED] STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE THIRD QUARTER OF 2013

The parties agree to the payment of \$1,798.35 for undisputed fees and costs
 incurred during the Third Quarter of 2013, for activities in the Appeal of the August 28,
 2012 Order portion of the case. Attached hereto as **Exhibit E** are charts setting forth the
 fees and costs claimed by Plaintiffs and the amounts agreed to by the parties to settle these
 claims.

The parties agree to the payment of \$16,068.59 for undisputed fees and costs
incurred during the Third Quarter of 2013, for fees on fees. Attached hereto as Exhibit F
are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to
by the parties to settle these claims.

IT IS HEREBY ORDERED that the amounts set forth above are due and
collectable as of forty-five days from the date of entry of this Order. Interest on these fees
and costs will run from November 22, 2013, accruing at the rate provided by 28 U.S.C.
§ 1961.

14		
15	DATED:	
16		
17		Chidealeit
18		THE HONORABLE CLAUDIA WILKEN UNITED STATES DISTRICT JUDGE
19		
20	APPROVED AS TO FORM:	
21		
22		/s/ Jay M. Goldman
23		Jay M. Goldman Deputy Attorney General Attorney for Defendants
24		Automey for Defendants
25	, _ ,	/s/ Blake Thompson
26		Blake Thompson Rosen Bien Galvan & Grunfeld LLP
27		Attorneys for Plaintiffs
28		a
		<u>2</u> C94 2307 CW IING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE 2D QUARTER OF 2013

Exhibit A

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COSTS
CDCR/AOAP MONITORING	\$585,900.63	\$13,489.43

TOTAL: \$599,390.06

Armstrong v. Brown

Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013 *Matter: CDCR/AOAP Monitoring/Merits*

Monitoring (581-3) Actual Hours Claimed Hours Claimed Fees Withdrawn By Pitris Undisputed Hours 2013 ROSEN, BIEN, GALVAN & GRUNFELD Hours Fees By Pitris Hours Rates Total Michael W. Bion (MWB) 5.40 5.40 \$4.212.00 0.27 5.13 \$780 \$4.001.40 Gay C. Grunfeld (GCG) 49.50 \$32,670.00 2.48 47.03 \$660 \$31.036.50 Ernest Galvan (EG) 0.70 0.00 \$0.00 0.00 \$610 \$50.00 Thomas Noian (TN) 198.80 \$107,690.00 0.14 2.665 \$10,203.50 Kenneth M. Walczak (KMW) 0.10 0.00 \$0.00 0.00 \$440 \$30.00 Lisa Elis (LAE) 2.80 \$2.00 0.01 0.00 \$428 \$435 \$1,970.00 Kathryn Mantoan (KGM) 0.10 0.00 \$0.00 0.00 \$262 \$405 \$1,177.00 Krista Stone-Manisal (KSM) 27.20 27.20 \$11,178.00 1.36 25.44
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TOTAL UNDISPUTED CDCR/AOAP MONITORING FEES:

\$585,900.63

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2012 through September 30, 2013

<u>Costs</u>

Matter: CDCR/AOAP Merits/Monitoring

Rosen, Bien, Galvan & Grunfeld (581-3) Photocopying (In house) Photocopying (Outside) Online Research - PACER Postage & Delivery Travel - Mileage, Tolls, Food Telephone		Costs \$1,394.20 \$1,929.66 \$3.20 \$653.30 \$557.99 \$5.75	Withdrawn by Plaintiffs \$69.71 \$96.48 \$0.16 \$32.67 \$27.90 \$0.29 \$10.02	Costs Now Owing \$1,324.49 \$1,833.18 \$3.04 \$620.64 \$530.09 \$5.46
Interpretation and Translation Services	Total RBGG Costs:	\$980.26 \$5,524.36	\$49.01	\$931.25 \$5,248.14
<u>Prison Law Office</u> Photocopying (In house) Postage & Delivery Travel - Mileage, Tolls, Food Interpreting and Translation Services	Total PLO Costs:	Costs \$2,212.80 \$584.89 \$4,672.52 \$901.03 \$8,371.24	\$110.64 \$29.24 \$233.63 \$45.05	\$2,102.16 \$555.65 \$4,438.89 \$855.98 \$7,952.68
Disability Rights Education & Defense Fund, Inc. Photocopying (in-house) Postage & Delivery Online Research - PACER	Total DREDF Costs:	\$253.40 \$50.30 \$0.10 \$303.80	\$12.67 \$2.52 \$0.01	\$240.73 \$47.79 \$0.10 \$288.61
TOTAL UNDISPUTED CDCR/AOAP MERITS/MC	ONITORING COSTS:			\$13,489.43

Exhibit B

<u>Armstrong v. Brown</u> Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COSTS
BPH	\$179,922.37	\$4,378.24
	TOTAL:	\$184,300.61

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013 Matter: BPH

<u>BPH (581-4)</u>		Actual <u>Hours</u>	Claimed <u>Hours</u>	Claimed <u>Fees</u>	Withdrawn <u>By Pltfs</u>	Undisputed <u>Hours</u>	2013 <u>Rates</u>	<u>Total</u>
ROSEN, BIEN, GALVAN & G	RUNFELD							
Michael W. Bien (MWB)		9.20	9.20	\$7,176.00	0.86	8.34	\$780	\$6,506.48
Gay C. Grunfeld (GCG)		34.80	34.80	\$22,968.00	3.25	31.55	\$660	\$20,825.09
Ernest Galvan (EG)		29.70	29.70	\$18,711.00	2.77	26.93	\$630	\$16,965.26
Tom Nolan (TN)		0.70	0.00	\$0.00	0.00	0.00	\$550	\$0.00
Kenneth Walczak (KMW)		34.60	32.90	\$15,792.00	3.07	29.83	\$480	\$14,318.61
Lori Rifkin (LR)		9.70	9.10	\$4,231.50	0.85	8.25	\$465	\$3,836.70
Kathryn Mantoan (KGM)		51.10	51.10	\$22,739.50	4.77	46.33	\$445	\$20,617.90
Aaron Fischer (AJF)		14.60	14.60	\$6,424.00	1.36	13.24	\$440	\$5,824.64
Sidney Hollar (SSH)		31.80	31.80	\$13,992.00	2.97	28.83	\$440	\$12,686.55
Blake Thompson (BT)		16.10	16.10	\$7,003.50	1.50	14.60	\$435	\$6,350.07
Michael Freedman (MLF)		5.50	5.50	\$2,227.50	0.51	4.99	\$405	\$2,019.67
Krista Stone-Manista (KSM)		0.90	0.00	\$0.00	0.00	0.00	\$375	\$0.00
Margot Mendelson (MKM)		49.10	48.60	\$18,225.00	4.53	44.07	\$375	\$16,524.61
Jenny Yelin (JSY)		5.20	5.20	\$1,846.00	0.49	4.71	\$355	\$1,673.77
Kevin Jones (KEJ)		0.80	0.00	\$0.00	0.00	0.00	\$280	\$0.00
Rolayn Tauben (RLT)		96.40	84.50	\$23,660.00	7.88	76.62	\$280	\$21,452.52
Karen Stilber (KES)		13.70	13.70	\$3,562.00	1.28	12.42	\$260	\$3,229.67
Lucy Taylor (LT)		43.10	43.10	\$9,482.00	4.02	39.08	\$220	\$8,597.33
Diana Ruslani (DAR)		0.50	0.00	\$0.00	0.00	0.00	\$220	\$0.00
Haruka Roudebush (HR)		1.00	0.00	\$0.00	0.00	0.00	\$220	\$0.00
Abigail Haney (AMH)		9.70	9.70	\$2,134.00	0.91	8.79	\$220	\$1,934.90
	Total Hours:	458.20	439.60	\$180,174.00	41.01	398.59		
RBGG UNDISPUTED FEES:								\$163,363.77
BINGHAM McCUTCHEN								
Geoffrey T. Holtz (GH)		1.70	1.70	\$1,249.50	0.16	1.54	\$735	\$1,132.92
Cameron Saul (CS)		2.60	2.60	\$1,053.00	0.24	2.36	\$405	\$954.76
	Total Hours:	2.60	2.60	\$2,302.50	0.40	3.90		
BMc UNDISPUTED FEES:								\$2,087.68
PRISON LAW OFFICE								
Rana Anabtawi (RA)		45.60	45.60	\$15,960.00	4.25	41.35	\$350	\$14,470.93
	Total Hours:	45.60	45.60	\$15,960.00	4.25	41.35	,	• ,
PLO UNDISPUTED FEES:								\$14,470.93

TOTAL UNDISPUTED FEES FOR **BPH WORK:**

\$179,922.37

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2012 through September 30, 2013 <u>Costs</u>

Matter: BPH

Maller: DPT		Mich damas has	
Rosen, Bien, Galvan & Grunfeld (581-4)	Costs	Withdrawn by Plaintiffs	Costs Now Owing
Photocopying (In-house)	\$249.00	\$23.23	\$225.77
Photocopying (Outside)	\$500.33	\$46.68	\$453.65
Online Research - PACER and Legislative History	\$0.30	\$0.03	\$0.27
Lexis / Westlaw	\$652.76	\$60.90	\$591.86
Postage and Delivery	\$175.35	\$16.36	\$158.99
Telephone	\$15.45	\$1.44	\$14.01
Fax	\$2.00	\$0.19	\$1.81
Travel - Mileage, Tolls, Food	\$2,107.42	\$196.62	\$1,910.80
Total RBGG Costs:	\$3,702.61		\$3,357.16
Prison Law Office			
Travel - Mileage, Tolls, Food	\$1,126.15	\$105.07	\$1,021.08
Total PLO Costs	\$1,126.15		\$1,021.08
TOTAL UNDISPUTED BPH COSTS	:		\$4,378.24

Exhibit C

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COSTS
DAPO MONITORING	\$44,704.15	\$3,106.71
	TOTAL:	\$47,810.86

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013 *Matter: DAPO Monitoring*

DAPO Monitoring (581-9)	Actual	Claimed	Claimed	Withdrawn	Undisputed	2013	
	<u>Hours</u>	<u>Hours</u>	<u>Fees</u>	<u>By Pitfs</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>
ROSEN, BIEN, GALVAN & GRUNFELD							
Michael Bien (MWB)	3.20	3.20	\$2,496.00	0.16	3.04	\$780	\$2,371.20
Gay C. Grunfeld (GCG)	19.30	19.30	\$12,738.00	0.97	18.34	\$660	\$12,101.10
Kenneth M. Walczak (KMW)	44.70	43.30	\$20,784.00	2.17	41.14	\$480	\$19,744.80
Michael Freedman (MLF)	0.60	0.00	\$0.00	0.00	0.00	\$405	\$0.00
Benjamin Bien-Kahn (BBK)	0.10	0.00	\$0.00	0.00	0.00	\$375	\$0.00
Margot Mendelson (MKM)	14.60	14.60	\$5,475.00	0.73	13.87	\$375	\$5,201.25
Jenny Yelin (JSY)	0.10	0.00	\$0.00	0.00	0.00	\$355	\$0.00
Karen Stilber (KES)	2.70	2.70	\$702.00	0.14	2.57	\$260	\$666.90
Lucy Taylor (LRT)	0.90	0.00	\$0.00	0.00	0.00	\$220	\$0.00
Diana Ruslani (DAR)	22.10	22.10	\$4,862.00	1.11	21.00	\$220	\$4,618.90
Haruka Roudebush (HR)	0.70	0.00	\$0.00	0.00	0.00	\$220	\$0.00
Total Hours:	109.00	105.20	\$47,057.00	5.26	99.94		
RBGG UNDISPUTED FEES:							\$44,704.15

TOTAL UNDISPUTED FOR DAPO MONITORING WORK:

\$44,704.15

Armstrong v. Brown

Third Quarterly Statement of 2013 July 1, 2012 through September 30, 2013 <u>Costs</u>

Matter: DAPO Monitoring

Rosen, Bien, Galvan & Grunfeld (581-9)		Costs	Withdrawn by Plaintiffs	Costs Now Owing
Photocopying (in-house)		\$136.00	\$6.80	\$129.20
Photocopying (outside)		\$420.44	\$21.02	\$399.42
Online Research - PACER and Legislative History		\$3.10	\$0.16	\$2.95
Telephone		\$3.50	\$0.18	\$3.33
Travel - Mileage, Tolls, Food		\$2,707.18	\$135.36	\$2,571.82
	Total RBGG Costs:	\$3,270.22		\$3,106.71
TOTAL UNDISPUTED DAPO MO	ONITORING COSTS:			\$3,106.71

Exhibit D

Armstrong v. Brown Second Quarterly Statement of 2013 April 1, 2013 through June 30, 2013

COUNTY JAIL APPEAL SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COSTS
COUNTY JAIL APPEAL	\$1,637.33	\$0.00

TOTAL: \$1,637.33

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013 Matter: COUNTY JAIL APPEAL

<u>County Jail Appeal (581-16)</u>	Actual	Claimed	Claimed	Withdrawn	Undisputed	2013	
	<u>Hours</u>	<u>Hours</u>	Fees	By Pltfs	<u>Hours</u>	Rates	<u>Total</u>
ROSEN, BIEN, GALVAN & GRUNFELD							
Michael Bien (MWB)	0.50	0.50	\$390.00	0.03	0.48	\$780	\$370.50
Gay C. Grunfeld (GCG)	0.90	0.90	\$594.00	0.05	0.86	\$660	\$564.30
Kathryn Mantoan (KGM)	0.20	0.00	\$0.00	0.00	0.00	\$445	\$0.00
Blake Thompson (BT)	1.70	1.70	\$739.50	0.09	1.62	\$435	\$702.53
Margot Mendelson (MKM)	0.20	0.00	\$0.00	0.00	0.00	\$375	\$0.00
Karen Stilber (KES)	0.20	0.00	\$0.00	0.00	0.00	\$260	\$0.00
Total Hours:	0.20	0.00	\$1,723.50	0.13	0.86		
RBGG UNDISPUTED FEES:							\$1,637.33

TOTAL UNDISPUTED FOR COUNTY JAIL APPEAL WORK:

\$1,637.33

Exhibit E

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013

8/28/2012 ORDER APPEAL SUMMARY OF UNDISPUTED FEES AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COSTS
8/28/12 ORDER APPEAL	\$1,798.35	\$0.00

TOTAL: \$1,798.35

Armstrong v. Brown

Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013 *Matter: APPEAL 8/28/2012 ORDER*

Appeal 8/28/12 ORDER (581-18)	Actual <u>Hours</u>	Claimed <u>Hours</u>	Claimed <u>Fees</u>	Withdrawn By Pltfs	Undisputed <u>Hours</u>	2013 <u>Rates</u>	<u>Total</u>
ROSEN, BIEN, GALVAN & GRUNFELD							
Michael Bien (MWB)	0.50	0.50	\$390.00	0.03	0.48	\$780	\$370.50
Gay C. Grunfeld (GCG)	1.8	1.8	\$1,188.00	0.09	1.71	\$660	\$1,128.60
Ernest Galvan (EG)	0.5	0.5	\$315.00	0.03	0.48	\$630	\$299.25
Karen Silber (KES)	0.2	0	\$0.00	0.00	0.00	\$260	\$0.00
Total Hours:	3.00	2.80	\$1,893.00	0.14	2.66		
RBGG UNDISPUTED FEES:							\$1,798.35

TOTAL UNDISPUTED FOR APPEAL 8/28/12 ORDER WORK:

\$1,798.35

Exhibit F

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

MATTER	UNDISPUTED FEES	UNDISPUTED COSTS
FEES WORK (ALL MATTERS)	\$15,855.03	\$213.57

TOTAL: \$16,068.59

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2013 through September 30, 2013 Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual Hours	Claimed Hours	Claimed Fees	Withdrawn By Pltfs	Undisputed Hours	2013 Rates	Total
ROSEN, BIEN, GALVAN & GRUNFELD							
Michael W. Bien (MWB)	0.20	0.20	\$156.00	0.01	0.19	\$780	\$148.20
Gay C. Grunfeld (GCG)	11.60	11.60	\$7,656.00	0.58	11.02	\$660	\$7,273.20
Ernest Galvan (EG)	0.40	0.00	\$0.00	0.00	0.00	\$630	\$0.00
Kenneth Walczak (KMW)	0.40	0.00	\$0.00	0.00	0.00	\$480	\$0.00
Blake Thompson (BT)	7.10	7.10	\$3,088.50	0.36	6.75	\$435	\$2,934.08
Kevin Jones (KEJ)	0.10	0.00	\$0.00	0.00	0.00	\$280	\$0.00
Haruka Roudebush (HR)	0.20	0.00	\$0.00	0.00	0.00	\$220	\$0.00
Glenn Baldwin (GMB)	16.20	15.20	\$3,344.00	0.76	14.44	\$220	\$3,176.80
Total Hours:	36.20	34.10	\$14,244.50	1.71	32.40		
RBGG UNDISPUTED FEES:							\$13,532.28
PRISON LAW OFFICE							
Coreen Kendrick (CK)	2.10	2.10	\$997.50	0.11	2.00	\$475	\$947.63
Edie DeGraff (ED)	6.30	6.30	\$1,165.50	0.11	5.99	\$475 \$185	\$947.03 \$1,107.23
Total Hours:	8.40	8.40	\$2,163.00	0.32	5.99	ψισο	ψ1,107.20
PLO UNDISPUTED FEES:	0110	0110	<i>\</i> 2,100100	0102	0100		\$2,054.85
DISABILITY RIGHTS EDUCATION AND							
DEFENSE FUND							
Linda Kilb (LDK)	0.40	0.40	\$282.00	0.02	0.38	\$705	\$267.90
Total Hours:	0.40	0.40	\$282.00	0.02	0.38		
DREDF UNDISPUTED FEES:							\$267.90

TOTAL UNDISPUTED FEES FOR ARMSTRONG FEES WORK:

\$15,855.03

Armstrong v. Brown Third Quarterly Statement of 2013 July 1, 2012 through September 30, 2013 <u>Costs</u>

Matter: Fees Work in All Matters

Rosen, Bien, Galvan & Grunfeld (581-2)		Costs	Withdrawn by Plaintiffs	Costs Now Owing
Photocopying and Printing (in-house)		\$192.40	\$9.62	\$182.78
Telephone		\$1.65	\$0.08	\$1.57
Postage & Delivery		\$30.76	\$1.54	\$29.22
Total R	BGG Costs:	\$224.81		\$213.57
TOTAL UNDISPUTED FEES WOR	K COSTS :			\$213.57