

1 DONALD SPECTER – 083925  
 RITA K. LOMIO – 254501  
 2 MARGOT MENDELSON – 268583  
 PRISON LAW OFFICE  
 3 1917 Fifth Street  
 Berkeley, California 94710-1916  
 4 Telephone: (510) 280-2621  
 Facsimile: (510) 280-2704

5 MICHAEL W. BIEN – 096891  
 6 GAY C. GRUNFELD – 121944  
 PENNY GODBOLD – 226925  
 7 MICHAEL FREEDMAN – 262850  
 HUGO D. CABRERA - 309289  
 8 ROSEN BIEN  
 GALVAN & GRUNFELD LLP  
 9 101 Mission Street, Sixth Floor  
 San Francisco, California 94105-1738  
 10 Telephone: (415) 433-6830  
 Facsimile: (415) 433-7104

11 LINDA D. KILB – 136101  
 12 DISABILITY RIGHTS EDUCATION &  
 DEFENSE FUND, INC.  
 13 3075 Adeline Street, Suite 201  
 Berkeley, California 94703  
 14 Telephone: (510) 644-2555  
 Facsimile: (510) 841-8645

15 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19  
 20 JOHN ARMSTRONG, et al.,  
 21 Plaintiffs,

22 v.

23 GAVIN NEWSOM, et al.,  
 24 Defendants.

Case No. C94 2307 CW

**~~PROPOSED~~ STIPULATED ORDER  
 CONFIRMING UNDISPUTED  
 ATTORNEYS' FEES AND COSTS  
 FOR THE FOURTH QUARTER OF  
 2018**

Judge: Hon. Claudia Wilken

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 18, 2019, Plaintiffs served on Defendants  
5 their Fourth Quarterly Statement for 2018 by overnight delivery. The parties completed  
6 their meet-and-confer process on March 6, 2019 as to the fees and costs incurred on all  
7 matters.

8 As a result of the March 6, 2019 agreement, the parties agree to the following:

9 The parties agree to the payment of \$1,256,784.34 to resolve all fees and costs  
10 incurred during the Fourth Quarter of 2018, for monitoring and/or litigation 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 \$86,039.36 to resolve all fees and costs incurred  
16 during the Fourth Quarter of 2018, for monitoring and/or litigation activities in the Board  
17 of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts  
18 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the  
19 parties to settle these claims.

20 The parties agree to the payment of \$214,040.36 to resolve all fees and costs  
21 incurred during the Fourth Quarter of 2018, for monitoring and/or litigation 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.

25 The parties agree to the payment of \$13,311.87 to resolve all fees and costs incurred  
26 during the Fourth Quarter of 2018, for fees work. Attached hereto as **Exhibit D** are charts  
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the  
28 parties to settle these claims.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 February 19, 2019, accruing at the rate provided by 28 U.S.C. § 1961.

DATED: 3/12/2019

  
\_\_\_\_\_  
Claudia Wilken  
United States District Judge

APPROVED AS TO FORM:

DATED: March 6, 2019

/s/Sharon Garske  
Sharon Garske  
Deputy Attorney General  
Attorney for Defendants

DATED: March 6, 2019

/s/Gay Crosthwait Grunfeld  
Gay Crosthwait Grunfeld  
Rosen Bien Galvan & Grunfeld LLP  
Attorney for Plaintiffs

[3359927.1]

# **EXHIBIT A**

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018

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

<b><u>MATTER</u></b>	<b><u>UNDISPUTED FEES</u></b>	<b><u>UNDISPUTED COSTS</u></b>
CDCR/AOAP MONITORING	\$1,221,013.92	\$35,770.42
	<b>TOTAL UNDISPUTED:</b>	<b>\$1,256,784.34</b>

**Armstrong v. Brown**  
 Fourth Quarterly Statement of 2018  
 October 1, 2018 through December 31, 2018  
 Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	Actual	Claimed	2018	<u>Fees Now Owing</u>	
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Per Negotiated</u>
					<u>Compromise</u>
<b><u>ROSEN, BIEN, GALVAN &amp; GRUNFELD</u></b>					
Michael W. Bien (MWB)	1.70	1.70	\$965	\$1,640.50	\$1,574.88
Gay C. Grunfeld (GCG)	24.90	24.90	\$835	\$20,791.50	\$19,959.84
Ernest Galvan (EG)	1.6	0	\$780	\$0.00	\$0.00
Penny Godbold (PG)	312.50	309.00	\$675	\$208,575.00	\$200,232.00
Thomas Nolan (TN)	184.90	182.20	\$700	\$127,540.00	\$122,438.40
Lisa Ells (LAE)	0.20	0.00	\$650	\$0.00	\$0.00
Michael L. Freedman (MLF)	48.70	47.20	\$585	\$27,612.00	\$26,507.52
Ben Bien-Kahn (BBK)	151.30	150.50	\$535	\$80,517.50	\$77,296.80
Krista Stone-Manista (KSM)	51.80	49.60	\$535	\$26,536.00	\$25,474.56
Jenny Yelin (JY)	22.20	21.80	\$525	\$11,445.00	\$10,987.20
Hugo D. Cabrera (HDC)	51.40	51.40	\$410	\$21,074.00	\$20,231.04
Karen Stilber (KES)	137.60	134.90	\$340	\$45,866.00	\$44,031.36
F. Gail LaPurja (FGL)	0.10	0.00	\$275	\$0.00	\$0.00
Greg Gonzalez (GZG)	55.40	54.80	\$275	\$15,070.00	\$14,467.20
Fely F. Villadelgado (FFV)	0.40	0.00	\$275	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	77.30	72.00	\$240	\$17,280.00	\$16,588.80
Marcus V. Levy (MVL)	0.50	0.00	\$240	\$0.00	\$0.00
Nathalie Welch (NW)	28.00	16.70	\$240	\$4,008.00	\$3,847.68
Hanna Wallace (HW)	334.40	321.40	\$240	\$77,136.00	\$74,050.56
Michael Brier (MB)	170.00	140.40	\$225	\$31,590.00	\$30,326.40
<b>Total Hours:</b>	<b>1,654.90</b>	<b>1,578.50</b>			
<b>RBGG CLAIMED FEES:</b>				<b>\$716,681.50</b>	<b>\$688,014.24</b>
<b><u>PRISON LAW OFFICE</u></b>					
Donald Specter (DS)	8.10	8.10	\$965	\$7,816.50	\$7,503.84
Sara Norman (SN)	4.40	4.40	\$790	\$3,476.00	\$3,336.96
Corene Kendrick (CK)	3.90	3.90	\$675	\$2,632.50	\$2,527.20
Rita Lomio (RL)	164.00	164.00	\$615	\$100,860.00	\$96,825.60
Thomas Nosewicz (TMN)	96.90	96.90	\$585	\$56,686.50	\$54,419.04
Margot Mendelson (MM)	57.30	57.30	\$535	\$30,655.50	\$29,429.28
Camille Woods (CW)	86.70	86.70	\$350	\$30,345.00	\$29,131.20
Amber Norris (AN)	151.30	151.30	\$335	\$50,685.50	\$48,658.08
Megan Lynch (ML)	289.20	289.20	\$335	\$96,882.00	\$93,006.72
Sarah Hopkins (SH)	128.90	128.90	\$300	\$38,670.00	\$37,123.20
Alayna O'Bryan	70.80	70.80	\$275	\$19,470.00	\$18,691.20
Tania Amarillas (TA)	20.30	20.30	\$275	\$5,582.50	\$5,359.20
Darryl Geyer (DG)	14.60	14.60	\$275	\$4,015.00	\$3,854.40
Alexis Hoffman (AH)	50.70	50.70	\$275	\$13,942.50	\$13,384.80
Gabby Sergi (GS)	145.60	145.60	\$275	\$40,040.00	\$38,438.40
Gabriela Pelsinger (GP)	84.80	84.80	\$275	\$23,320.00	\$22,387.20
Juliette Mueller (JM)	108.20	108.20	\$275	\$29,755.00	\$28,564.80
<b>Total Hours:</b>	<b>1,485.70</b>	<b>1,485.70</b>			
<b>PLO CLAIMED FEES:</b>				<b>\$554,834.50</b>	<b>\$532,641.12</b>
<b><u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u></b>					
Linda Kilb (LK)	0.1	0.1	\$845	\$84.50	\$81.12
Case Clerk	1.70	1.70	\$170	\$289.00	\$277.44
<b>Total Hours:</b>	<b>1.70</b>	<b>1.70</b>			
<b>DREDF CLAIMED FEES:</b>				<b>\$373.50</b>	<b>\$358.56</b>
<b>TOTAL CLAIMED CDCR/AOAP MONITORING FEES:</b>				<b>\$1,271,889.50</b>	<b>\$1,221,013.92</b>

**Armstrong v. Brown**  
 Fourth Quarterly Statement of 2018  
 October 1, 2018 through December 31, 2018  
Costs

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

<u>Rosen, Bien, Galvan &amp; Grunfeld (581-3)</u>	<u>Costs</u>	<u>Costs Now Owing Per Negotiated Compromise</u>
Photocopying (In house)	\$1,604.00	\$1,539.84
Photocopying/printing (Outside)	\$712.29	\$683.80
Translation/Interpreter Services	\$1,841.20	\$1,767.55
Online Research - PACER, Westlaw	\$155.73	\$149.50
Postage & Delivery	\$184.72	\$177.33
Telephone	\$149.10	\$143.14
Travel - Mileage, Tolls, Food	\$12,174.94	\$11,687.94
<b>Total RBGG Costs:</b>	<b>\$16,821.98</b>	<b>\$16,149.10</b>
<u>Prison Law Office</u>		
Photocopying (In house)	\$301.80	\$289.73
Interpreter services (SLI)	\$4,793.70	\$4,601.95
Travel - Mileage, Tolls, Food	\$13,696.88	\$13,149.00
Postage & Delivery	\$1,566.10	\$1,503.46
<b>Total PLO Costs:</b>	<b>\$20,358.48</b>	<b>\$19,544.14</b>
<u>Disability Rights Education &amp; Defense Fund, Inc.</u>		
Photocopying (in-house)	\$61.80	\$59.33
Postage & Delivery	\$18.59	\$17.85
<b>Total DREDF Costs:</b>	<b>\$80.39</b>	<b>\$77.17</b>
<b>TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:</b>	<b>\$37,260.85</b>	<b>\$35,770.42</b>

]

g v. Brown  
Statement of 2018  
through December 31, 2018

UNDISPUTED FEES AND COSTS

<u>DISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
\$1,221,013.92	\$35,770.42
<b>UNDISPUTED:</b>	<b>\$1,256,784.34</b>



**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018

**BPH SUMMARY OF UNDISPUTED FEES AND COSTS**

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$85,276.80	\$762.56
	<b>TOTAL UNDISPUTED:</b>	<b>\$86,039.36</b>

**Armstrong v. Brown**  
 Fourth Quarterly Statement of 2018  
 October 1, 2018 through December 31, 2018  
**Matter: BPH**

<b><u>BPH (581-4)</u></b>	<b>Actual</b>	<b>Claimed</b>	<b>2018</b>		<b>Fees Now Owing</b>
	<b>Hours</b>	<b>Hours</b>	<b>Rates</b>	<b>Total</b>	<b><u>Per Negotiated</u></b>
					<b><u>Compromise</u></b>
<b><u>BPH MONITORING (581-4)</u></b>					
<b><u>ROSEN, BIEN, GALVAN &amp; GRUNFELD</u></b>					
Ernest Galvan (EG)	2.2	2.2	\$780	\$1,716.00	\$1,647.36
Gay C. Grunfeld (GCG)	4.40	4.40	\$835	\$3,674.00	\$3,527.04
Thomas Nolan (TN)	49.60	49.60	\$700	\$34,720.00	\$33,331.20
Karen Janssen (KJJ)	0.40	0.00	\$525	\$0.00	\$0.00
Benjamin Bien-Kahn (BBK)	0.10	0.00	\$535	\$0.00	\$0.00
Hugo D. Cabrera (HDC)	11.50	11.50	\$410	\$4,715.00	\$4,526.40
Karen Stilber (KES)	1.60	1.60	\$340	\$544.00	\$522.24
Dylan Verner-Crist (DVC)	0.30	0.00	\$240	\$0.00	\$0.00
Marcus V. Levy (MVL)	0.70	0.00	\$240	\$0.00	\$0.00
Nathalie C. Welch	3.80	1.30	\$240	\$312.00	\$299.52
<b>Total Hours:</b>	<b>74.60</b>	<b>70.60</b>			
<b>RBGG CLAIMED FEES:</b>				<b>\$45,681.00</b>	<b>\$43,853.76</b>
<b><u>PRISON LAW OFFICE</u></b>					
Sara Norman (SN)	9.80	9.80	\$790	\$7,742.00	\$7,432.32
Rita Lomio (RL)	18.60	18.60	\$615	\$11,439.00	\$10,981.44
Rana Anabtawi (RA)	44.80	44.80	\$535	\$23,968.00	\$23,009.28
<b>Total Hours:</b>	<b>73.20</b>	<b>73.20</b>			
<b>PLO CLAIMED FEES:</b>				<b>\$43,149.00</b>	<b>\$41,423.04</b>
<b>TOTAL CLAIMED FEES FOR BPH WORK:</b>				<b>\$88,830.00</b>	<b>\$85,276.80</b>

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018  
Costs

**Matter: BPH**

**Costs Now Owing**

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

Costs

Per Negotiated  
Compromise

Photocopying (In house)	\$18.20	\$17.47
Telephone	\$0.60	\$0.58
Travel - Mileage, Tolls, Food	\$333.86	\$320.51
<b>Total RBGG Costs:</b>	<b>\$352.66</b>	<b>\$338.55</b>

**Prison Law Office**

Travel - Mileage, Tolls, Food	\$441.67	\$424.00
<b>Total PLO Costs:</b>	<b>\$441.67</b>	<b>\$424.00</b>

**TOTAL CLAIMED BPH COSTS:           \$794.33           \$762.56**

# **EXHIBIT C**

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018

**DAPO SUMMARY OF UNDISPUTED FEES AND COSTS**

<b><u>MATTER</u></b>	<b><u>UNDISPUTED FEES</u></b>	<b><u>UNDISPUTED COST</u></b>
DAPO MONITORING	\$209,897.76	\$4,142.60
	<b>TOTAL UNDISPUTED:</b>	<b>\$214,040.36</b>

Four  
October 1  
/

**DAPO Monitoring (581-9)**

**ROSEN, BIEN, GALVAN & GRUNFE**

Michael W. Bien (MWB)  
Gay C. Grunfeld (GCG)  
Ernest Galvan (EG)  
Penny Godbold (PG)  
Thomas Nolan (TN)  
Michael L. Freedman (MLF)  
Benjamin Bien-Kahn (BBK)  
Krista Stone-Manista (KSM)  
Jenny S. Yelin (JSY)  
Hugo D. Cabrera (HDC)  
Karen Stilber (KES)  
F. Gail LaPurja (FGL)  
Marcus V. Levy (MVL)  
Fely Villadelgado (FFV)  
Nathalie Welch (NCW)  
Dylan Verner-Crist (DVC)  
Hanna Wallace (HW)

Total H

**RBGG CLAIMED FEES:**

**TOTAL CLAIMED FOR DAPO  
MONITORING WORK:**

**EXHIBIT B**

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018  
Costs

***Matter: DAPO Monitoring***

<u>Rosen, Bien, Galvan &amp; Grunfeld (581-9)</u>	<u>Costs</u>	<b>Costs Now Owing</b> <u>Per Negotiated</u> <u>Compromise</u>
Photocopying (in-house)	\$814.20	\$781.63
Photocopying (outside)	\$179.77	\$172.58
Westlaw	\$392.57	\$376.87
Inhouse Postage	\$57.35	\$55.06
Long distance telephone charges	\$1.35	\$1.30
Travel - Mileage, Tolls, Food	\$2,869.97	\$2,755.17
<b>Total RBGG Costs:</b>	<b>\$4,315.21</b>	<b>\$4,142.60</b>
<b>TOTAL CLAIMED DAPO MONITORING COSTS:</b>	<b>\$4,315.21</b>	<b>\$4,142.60</b>

# **EXHIBIT D**



**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018

**SUMMARY OF UNDISPUTED FEES WORK AND COSTS**

	<b><u>UNDISPUTED FEES</u></b>	<b><u>UNDISPUTED COSTS</u></b>
FEES WORK (ALL MATTERS)	\$13,072.32	\$239.55
<b>TOTAL UNDISPUTED:</b>		<b>\$13,311.87</b>

**Armstrong v. Brown**  
 Fourth Quarterly Statement of 2018  
 October 1, 2018 through December 31, 2018  
*Matter: All Matters Fees Work*

<u>Fees (581-2)</u>	Actual	Claimed	2018		Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Per Negotiated Compromise</u>
<b><u>ROSEN, BIEN, GALVAN &amp; GRUNFELD</u></b>					
Gay C. Grunfeld (GCG)	7.40	7.20	\$835	\$6,012.00	\$5,771.52
Karen E. Stilber (KES)	14.80	14.00	\$340	\$4,760.00	\$4,569.60
Linda H. Woo (LHW)	0.20	0.00	\$225	\$0.00	\$0.00
Total Hours:	<b>22.40</b>	<b>21.20</b>			
<b>RBGG CLAIMED FEES:</b>				<b>\$10,772.00</b>	<b>\$10,341.12</b>
<b><u>PRISON LAW OFFICE</u></b>					
Rita Lomio	1.50	1.50	\$615	\$922.50	\$885.60
Margot Mendelson (MKM)	1.00	1.00	\$535	\$535.00	\$513.60
Ashley Kirby (AK)	5.40	5.40	\$210	\$1,134.00	\$1,088.64
Total Hours:	<b>7.90</b>	<b>7.90</b>			
<b>PLO CLAIMED FEES:</b>				<b>\$2,591.50</b>	<b>\$2,487.84</b>
<b><u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u></b>					
Linda Kilb (LDK)	0.30	0.30	\$845	\$253.50	\$243.36
Total Hours:	<b>0.30</b>	<b>0.30</b>			
<b>DREDF CLAIMED FEES:</b>				<b>\$253.50</b>	<b>\$243.36</b>
<b>TOTAL CLAIMED FEES FOR ARMSTRONG FEES WORK:</b>				<b>\$13,617.00</b>	<b>\$13,072.32</b>

**Armstrong v. Brown**  
Fourth Quarterly Statement of 2018  
October 1, 2018 through December 31, 2018  
**Costs**

***Matter: Fees Work in All Matters***

	<b>Costs</b>	<b>Costs Now Owing <u>Per Negotiated Compromise</u></b>
<b><u>Rosen, Bien, Galvan &amp; Grunfeld (581-2)</u></b>		
Photocopying and Printing (in-house)	\$194.60	\$186.82
Postage & Delivery	\$46.53	\$44.67
<b>Total RBGG Costs:</b>	<b>\$241.13</b>	<b>\$231.48</b>
 <b><u>Disability Rights Education &amp; Defense Fund, Inc.</u></b>		
Photocopying (in-house)	\$8.40	\$8.06
<b>Total DREDF Costs:</b>	<b>\$8.40</b>	<b>\$8.06</b>
<b>TOTAL CLAIMED FEES WORK COSTS :</b>	<b>\$249.53</b>	<b>\$239.55</b>