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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ERNESTO LIRA,

Plaintiff,

v.

DIRECTOR OF CORRECTIONS, et al.,

Defendants.

Case No. C-00-0905

**STIPULATION AND ORDER
CONFIRMING SATISFACTION OF
ORDERS AWARDING ATTORNEYS'
FEES AND COSTS**

On September 29, 2009, the Court issued its Findings of Fact and Conclusions of Law and Judgment finding that Plaintiff's due-process rights were violated when he was validated as a

¹ Chapman, Popik & White LLP (CPW) is currently in dissolution. (See www.chapop.com.) Named partners and attorneys assigned to this case, Mark White and Bill Chapman, have retired from practice. Former CPW partner John Heller, now a shareholder at Rogers, Joseph O'Donnell, is authorized to sign this stipulation on behalf of CPW;

² Effective January 1, 2012, the firms Howard, Rice, Nemerovski, Canady, Falk & Rabkin PC and Arnold & Porter LLP merged. See www.howardrice.com. Former Howard Rice associate, Robert Hallman, is authorized to sign this stipulation on behalf of the new partnership.

1 prison-gang member, and ordered injunctive and declaratory relief. (Docket No. 456.) On
 2 February 26, 2010, the Court granted in part and denied in part Plaintiff's motion for attorneys'
 3 fees and costs and awarded fees and costs in the following amounts: \$281,878.50 in attorneys'
 4 fees and \$20,450.52 in costs to Howard Rice and \$762,222.60 in attorneys' fees and \$26,330.60
 5 in costs to Chapman, Popik & White. (Docket No. 513.) Subsequently, the Court stayed its order
 6 pending resolution of Defendants' appeal from the Court's September 30, 2009 Order, provided
 7 Defendants post a \$1.2 million dollar supersedeas bond. (Docket No 527). Defendants posted a
 8 bond in this amount on June 25, 2010. (See Docket No. 540.) On October 21, 2010, the clerk of
 9 the court taxed separate costs, awardable under 28 U.S.C. § 1920, against Defendants in the
 10 amounts of \$24,220.34 for Chapman, Popik & White and \$ 1,422.00 for Howard Rice. (Docket
 11 Nos. 541 & 542.)

12 On August 23, 2011, the Ninth Circuit affirmed this Court's judgment and issued its
 13 mandate approximately three weeks later. (See Docket Nos. 543 & 544.) On October 19, 2011,
 14 Plaintiff received payment in the amount of \$1,154,093.15 to satisfy the February 26, 2010
 15 attorneys' fee and costs award and stipulated fees and costs on appeal, but not the October 21,
 16 2010 costs award or statutory interest. Following negotiations among the parties, on January 24,
 17 2012, Plaintiff received payment in the agreed-upon amount of \$32,266.18 (\$30,780.88 to
 18 Chapman, Popik, & White and \$1,425.30 to Howard Rice) to cover the remaining court-awarded
 19 costs plus statutory interest.

20 In light of the foregoing, the parties stipulate that all court-ordered fee and costs awards
 21 issued in this case have been fully satisfied and request that the Court so acknowledge by signing

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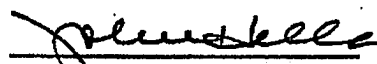
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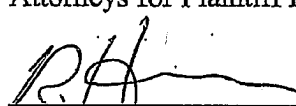
1 this stipulation and order.

2
3 IT IS SO STIPULATED:

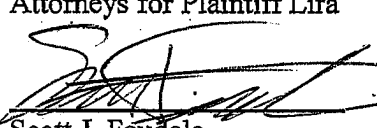
4
5 Dated: 6-15-12


John G. Heller, on behalf of
Chapman, Popik, & White, LLP
Attorneys for Plaintiff Lira

6
7
8 Dated: 6/20/2012


Robert D. Hallman
Arnold & Porter LLP
Attorneys for Plaintiff Lira

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10
11 Dated: 6/20/12


Scott J. Feudale
Deputy Attorney General
Attorneys for Defendant Cate

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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17 DATED: 6/21/12


HON. SUSAN ILLSTON
United States District Judge

CERTIFICATE OF SERVICE

Case Name: **Lira v. Director of Corrections,
et al.**

No. **C-00-0905**

I hereby certify that on **June 20, 2012**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION AND ORDER CONFIRMING SATISFACTION OF ORDERS AWARDING ATTORNEYS' FEES AND COSTS

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **June 20, 2012**, at San Francisco, California.

M. Luna
Declarant

/s/ M. Luna
Signature

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