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12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16  
17 **CARLOS PEREZ,**

Plaintiff,

18  
19 v.

20  
21 **MATTHEW CATE, et al.,**

Defendants.  
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C 05-05241 JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING PLAINTIFFS'  
FEES AND COSTS POST-DISMISSAL**

Judge: The Honorable Jeffrey S. White

25 On August 14, 2012, the parties agreed to dismiss this action and terminate all provisions of  
26 the parties' August 21, 2006 Consent Decree (*see* Court Docket No. 69), except the provision  
27 requiring Defendants to complete necessary construction in dental clinics, according to the  
28 Implementation Plan. (Docket No. 726, Stipulation and Order Re Dismissal of Case.) The

1 parties also agreed that this Court shall retain jurisdiction to enforce the dental clinic renovation  
2 portion of the Consent Decree, and that Plaintiffs may seek to enforce the provision with this  
3 Court. (*Id.*)

4 The parties further agree that, notwithstanding the Stipulation terminating the case, the  
5 provisions in paragraph 42 of the Consent Decree providing that Plaintiffs are the prevailing party  
6 and may apply for attorneys' fees for work performed in connection with the Consent Decree  
7 shall remain in effect after dismissal of this action. Plaintiffs' counsel may only apply for fees  
8 and costs reasonably incurred to review Defendants' quarterly updates concerning the renovation  
9 projects, and for work reasonably necessary to enforce the Consent Decree's renovation provision.  
10 Paragraph 42 of the Consent Decree and Plaintiffs' entitlement to fees and costs end when the  
11 Consent Decree's renovation provision terminates.

12 AGREED TO BY THE PARTIES:

13 Dated: August 20, 2012

Respectfully submitted,

14 KAMALA D. HARRIS  
15 Attorney General of California

16 s/Damon G. McClain  
17 DAMON G. MCCLAIN  
18 Deputy Attorney General  
Attorneys for Defendants

19  
20 Dated: August 20, 2012

s/Alison Hardy  
ALISON HARDY  
Prison Law Office  
Attorney for Plaintiffs


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23 I, Damon McClain, attest that Alison Hardy authorized the filing of this document on  
24 August 20, 2012.

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**IT IS SO ORDERED.**

Dated: August 20, 2012

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JEFFREY S. WHITE  
United States District Court