



PC-NV-005-011

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

CHARLES R. ZEH  
BECKLEY, SINGLETON, DELANOY  
JEMISON & LIST, CHTD.  
For WASHOE LEGAL SERVICES  
50 West Liberty, Suite 210  
Reno, Nevada 89501  
(702) 323-8866

ALEXA P. FREEMAN  
ALVIN J. BRONSTEIN  
NATIONAL PRISON PROJECT  
AMERICAN CIVIL LIBERTIES UNION  
1616 P Street NW, Suite 340  
Washington, D.C. 20036  
(202) 331-0500

Attorneys for Plaintiffs

BRIAN MCKAY  
Attorney General  
BRIAN RANDALL HUTCHINS  
Chief Deputy Attorney General  
Criminal Division  
Heroes' Memorial Building  
Capitol Complex  
Carson City, Nevada 89710  
Telephone: (702) 885-4170

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

JAMES E. PHILLIPS, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
RICHARD BRYAN, et al., )  
 )  
Defendants. )

CV-R-77-221-ECR

STIPULATION FOR SETTLEMENT  
OF ATTORNEYS' FEES

Plaintiffs, by and through their counsel, and defendants,  
by and through their counsel, hereby enter into this stipulation  
and agreement to resolve all substantive issues pending in the  
above case as well as all claims plaintiffs' counsel may have

ENTERED

MAY 20 1998  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
BY [Signature] DEPUTY

MAY 19 12 21 PM '98  
RECEIVED  
AND FILED  
CAROL C. FITZGERALD

165

1 for attorney fees, costs and expenses, to which they believe  
2 they are entitled to be reimbursed pursuant to section 1988 of  
3 Title 42 to the United States Code for litigating this matter to  
4 and including this date.

5 WHEREAS defendants believe that plaintiffs and their  
6 counsel are not entitled to any fees, costs and expenses and,  
7 further, defendants wish to obtain an express waiver of attor-  
8 ney's fees, costs and expenses from plaintiffs as to any claims  
9 they have to this date; and

10 WHEREAS the parties wish to settle issues relating to  
11 attorney's fees, costs and expenses without incurring further  
12 litigation expenses and the parties desire to settle the sub-  
13 stantive issues pending at this date, the parties and all  
14 counsel hereby stipulate and agree that all attorneys' fees,  
15 costs and expenses which have been claimed or accrued, or could  
16 have been claimed or accrued to and including this date by  
17 counsel for plaintiffs in this action and which may or may not  
18 have been settled by prior agreement, and any other issues which  
19 may or may not have been the subject of prior agreement, are  
20 settled in full on the following terms and conditions:

21 1. All claims by plaintiffs' counsel for reasonable  
22 attorneys' fees, costs and expenses which have been or could  
23 have been made on or before this date in this action are settled  
24 in full for the sum of ONE HUNDRED AND SIXTY THOUSAND DOLLARS  
25 (\$160,000.00). It is understood that this settlement includes  
26 all attorneys' fees, costs and expenses incurred in any litiga-  
27 tion in this action to this date and any time spent in seeking  
28 to collect or preparing to collect such fees, costs and expenses

1 to this date.

2 2. The undersigned attorneys for plaintiffs certify that  
3 they have the authority from all plaintiffs' counsel to enter  
4 into this settlement stipulation.

5 3. The parties intend to submit this stipulation and  
6 settlement of attorney's fees along with a Stipulated Settlement  
7 Agreement on the substantive issues on this case to the United  
8 States District Court for the District of Nevada for approval.  
9 This Stipulation for Settlement of Attorneys' Fees is contingent  
10 upon the execution of the Stipulated Settlement Agreement  
11 concerning the substantive issues by the court and the parties.  
12 Both agreements shall become effective simultaneously upon  
13 approval by the court and parties.

14 4. It is understood and agreed by the parties that the  
15 approval for the payment of these attorneys' fees and costs be  
16 made by the Nevada Board of Prison Commissioners or Board of  
17 Examiners or both and that the payment of these fees and costs  
18 shall be made to plaintiffs' counsel within sixty days of the  
19 approval of this agreement by the court. The payment of these  
20 fees and costs shall be made directly to the National Prison  
21 Project and it is understood and agreed among the parties that  
22 Charles R. Zeh, Esq., Washoe Legal Services, Sferrazza and Zeh,  
23 and Beckley, Singleton, Delanoy, Jemison and List, Chtd., hereby  
24 waive any and all claims for attorneys' fees, costs and expenses  
25 from and against the State of Nevada and any and all defendants  
26 in this case.

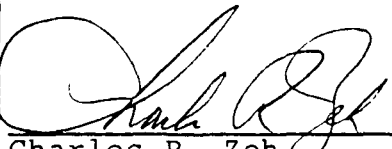
27 5. Nothing in this agreement or in any judgment or act  
28 pursuant thereto shall be interpreted to constitute an admission

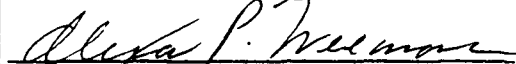
1 of any kind by the defendants that any claims by plaintiffs for  
2 fees, costs and expenses, whether or not settled or waived by  
3 this agreement, are or would be compensable under 42 U.S.C. §  
4 1988 or any other applicable law. Nothing in this agreement or  
5 any judgment or act pursuant thereto shall be interpreted to  
6 constitute an admission of any kind by the plaintiffs that any  
7 claims for fees, costs and expenses, except as settled by this  
8 agreement, are not or would not be compensable under applicable  
9 law.

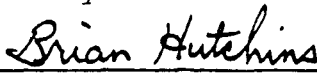
10 6. It is understood and agreed that this agreement or any  
11 judgment or act pursuant thereto shall not be construed as, nor  
12 constitute, an admission of any liability on the part of defen-  
13 dants.

14 DATED this 15<sup>th</sup> day of \_\_\_\_\_, 1988.

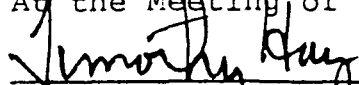
DATED this 15<sup>th</sup> day of April, 1988.

16   
17 \_\_\_\_\_

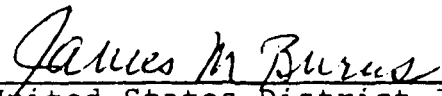
18 Charles R. Zeh  
19   
20 Alexa P. Freeman  
Attorneys for Plaintiffs

BRIAN MCKAY  
Attorney General  
  
Brian Randall Hutchins  
Chief Deputy Attorney General  
Criminal Division  
Attorneys for Defendants

Approved By:  
NEVADA BOARD OF EXAMINERS  
At the Meeting of March 24, 1988

  
Timothy Hay, Clerk  
Dated this 14 day of April 1988

APPROVED AND SO ORDERED:

  
United States District Judge  
Dated: May 30, 1988