

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

AMY COHEN, *et al.*,

Plaintiffs,

v.

BROWN UNIVERSITY, CHRISTINA PAXSON, *as
successor to VARTAN GREGORIAN*, and JACK
HAYES, *as successor to DAVID ROACH*,

Defendants.

Case No. 92 Civ. 0197

STIPULATED ORDER REGARDING CLASS COUNSEL'S FEES AND EXPENSES


On December 15, 2020, the Court held a Fairness Hearing to approve the parties' proposed Amendment to the Joint Agreement. The Court approved the Amendment to the Joint Agreement on December 21, 2020. ECF No. 395.¹ Pursuant to the Amendment to the Joint Agreement, the parties engaged in mediation with Magistrate Judge Sullivan to try to agree on the reasonable attorneys' fees and expenses due to class counsel as a result of the class settlement. *See* ECF No. 395, pageID.1395. Plaintiffs provided Defendants with certain records of their attorneys' fees and expenses pursuant to the mediation process agreed upon with Magistrate Judge Sullivan. The parties then engaged in two separate mediation sessions with Magistrate Judge Sullivan on September 14, 2022, and October 25, 2022, resulting in a resolution of the attorneys' fees and expenses to be paid to class counsel. The parties now submit this stipulation of those attorneys' fees and expenses and ask the Court to approve the attorneys' fees and expenses as agreed upon by the parties through two arms-length mediation sessions.

¹ On January 17, 2021, the Amendment to the Joint Agreement was appealed by Plaintiff Class Member Objectors. ECF No. 398. On October 27, 2021, the U.S. Court of Appeals for the First Circuit upheld the approval of the Amendment to the Joint Agreement. *See Cohen v. Brown Univ.*, 16 F.4th 935, 940–41 (1st Cir. 2021), *cert. denied sub nom. Walsh v. Cohen*, 212 L. Ed. 2d 618, 142 S. Ct. 2667 (2022).

To avoid litigation regarding class counsel's attorneys' fees and expenses, the parties hereby stipulate that Brown University will pay class counsel \$1,135,000.00 in attorneys' fees and \$40,000.00 in litigation expenses.² These amounts represent any and all attorney's fees and any and all expenses that will be paid in connection with Defendants' alleged breach of the Joint Agreement in 2020. These funds will be divided among class counsel and will include sharing some of the attorneys' fees and expenses with the American Civil Liberties Union Foundation of Rhode Island. The sharing of the court-approved award with the American Civil Liberties Union Foundation of Rhode Island is consistent with this Court's decision in *Inmates of the RI Training School v. Martinez*, 465 F. Supp. 2d 131 (D.R.I. 2006) and Rhode Island R.P.C. 5.4(a)(4). These amounts represent fair and reasonable attorneys' fees for the litigation undertaken in this complex civil rights class action case.

NOW, THEREFORE, IT IS HEREBY ORDERED that Brown University will pay \$1,135,000.00 in attorneys' fees and \$40,000.00 in litigation expenses to Bailey & Glasser, L.L.P., within 10 days of the date of this order.

IT IS SO ORDERED.



Hon. John J. McConnell, Jr., U.S.D.J.

Date: November 8th, 2022

² Brown will pay these attorneys' fees and expenses in one payment within 10 days of the date of this order, made payable to Bailey & Glasser, L.L.P. The Bailey & Glasser law firm will disburse funds to all other co-counsel as agreed to by class counsel.

STIPULATION

We, on behalf of our clients, stipulate to the entry of this order.

/s/ Lori A. Bullock

Lori Bullock
Bailey & Glasser, LLP
309 East 5th Street
Suite 202B
Des Moines, IA 50309
(515) 416-9051
lbullock@baileyglasser.com

/s/ Joseph D. Whelan (with permission)

Joseph D. Whelan (#5694)
WHELAN CORRENTE & FLANDERS LLP
100 Westminster Street, Suite 710
Providence, RI 02903
401-270-4500
jwhelan@whelancorrente.com

ATTORNEY FOR DEFENDANTS

/s/ Lynette Labinger (with permission)

Lynette Labinger (#23027)
128 Dorrance Street, Box 710
Providence, RI 02903
(401) 465-9565
ll@labingerlaw.com
Cooperating counsel,
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION OF
RHODE ISLAND and PUBLIC
JUSTICE

ATTORNEYS FOR PLAINTIFFS