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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO
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11 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
12 SPORTING GOODS; CALIFORNIA RIFLE)
AND PISTOL ASSOCIATION) **DECLARATION OF C. D. MICHEL IN**
13 FOUNDATION; ABLE'S SPORTING,) **SUPPORT OF PLAINTIFFS' OPPOSITION**
INC.; RTG SPORTING COLLECTIBLES,) **TO DEFENDANTS' MOTION TO TAX**
14 LLC; AND STEVEN STONECIPHER,) **COSTS**

15 Plaintiffs and Petitioners,

16 vs.

17 THE STATE OF CALIFORNIA; KAMALA)
18 D. HARRIS, in her official capacity as)
Attorney General for the State of California;)
19 THE CALIFORNIA DEPARTMENT OF)
JUSTICE; and DOES 1-25,)
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21 Defendants and Respondents.
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) Date: May 3, 2011
) Time: 3:30 p.m.
) Location: Dept. 402
) Judge: Hon. Jeffrey Y. Hamilton
) Action Filed: June 17, 2010

1 **DECLARATION OF C. D. MICHEL**

2 I, C. D. Michel, declare as follows:

3 1. I am an attorney duly licenced to practice law before all courts in the State of
4 California. I am the managing partner of the law firm Michel & Associates, P.C., and am counsel of
5 record for Plaintiffs Sheriff Clay Parker, et al.

6 2. I have personal knowledge of the facts contained in this declaration and could, if called
7 upon to do so, testify competently there to. This declaration is offered in support of Plaintiffs'
8 Opposition to Defendants' Motion to Tax Plaintiffs' Costs.

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10 **FILING FEE EXPENSES**

11 3. Attached as Exhibit A¹ is a true and correct copy of Plaintiffs' Filing Fee Expenses
12 which total **\$895.00**. The expenses itemized in Exhibit A are reasonable and necessary filing fee
13 expenses as verified in Plaintiffs' Memorandum of Costs and not objected to in Defendants' Motion to
14 Tax Costs.

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16 **DEPOSITION-RELATED TRAVEL COSTS**

17 4. Three attorneys from my office traveled to Sacramento, California, to attend the
18 deposition of Plaintiffs' expert, Stephen Helsley, taken on December 16, 2010. Their attendance at this
19 deposition was reasonably necessary as detailed in Plaintiffs' Opposition to Defendants' Motion to
20 Tax Costs.

21 5. The travel expenses for this trip are as follows: (1) \$96.17 for one night's lodging in
22 Sacramento, on December 15, 2010; (2) \$486.80 for two attorneys' airfare from Long Beach to
23 Sacramento; (3) \$395.40 for one attorney's airfare from San Diego to Sacramento; and (4) \$186.50 for
24 parking and cab fares.

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27 ¹ All exhibits hereafter cited refer to exhibits lodged with this court in the "Plaintiffs'
28 Notice of Lodging Exhibits A through F to C. D. Michel's Declaration in Support of Plaintiffs'
Opposition to Defendants' Motion to Tax Costs."

6. Three attorneys from my office traveled to Fresno, California, to attend the deposition of Plaintiffs Steven Stonecipher and Barry Bauer, taken on December 13 and 14, 2010, respectively. Their attendance as these deposition was reasonably necessary as detailed in Plaintiffs' Opposition to Defendants' Motion to Tax Costs.

7. The travel expenses claimed for this trip are as follows: (1) \$301.05 for one night's lodging in Fresno, on December 13, 2010; and (2) \$343.32 for mileage between San Diego and Fresno.

8. Attached as Exhibit B is a true and correct copy of Plaintiffs' Attorneys' Deposition-Related Travel Expenses which total **\$1809.24**. The expenses itemized in Exhibit A are reasonable and necessary travel expenses for the reasons detailed in Plaintiffs' Opposition to Defendants' Motion to Tax Costs.

DEPOSITION TRANSCRIPTS

9. Attached as Exhibit C is a true and correct copy of Plaintiffs' Deposition Transcription Expenses which total **\$6522.72**. The expenses itemized in Exhibit C are reasonable and necessary transcription expenses for the reasons detailed in Plaintiffs' Opposition to Defendants' Motion to Tax Costs.

SERVICE OF PROCESS FEES

10. In preparing the Memorandum of Costs, my office relied on a summary accounting of those fees associated with serving a copy of the summons and complaint on each of the three Defendants. On or about April 18, 2011, our office reviewed the detailed accounting reports and invoices related to the disputed \$620.47 in “Registered Process Server” costs and learned, for the first time, that those fees were actually “rush fees” incurred in the filing and service of Plaintiffs’ Motion for Preliminary Injunction and that they had been inadvertently coded to the wrong account. Attached as Exhibit D is a true and correct copy of Plaintiffs’ Preliminary Injunction Service Fees.

11. Attached as Exhibit E is a true and correct copy of Plaintiffs' Service of Process Fees which total **\$160.56**. The expenses itemized in Exhibit E are reasonable and necessary service fees as verified Plaintiffs' Memorandum of Costs and conceded to in Defendants' Motion to Tax Costs.

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HEARING-RELATED TRAVEL COSTS

12. I traveled from Long Beach, California, to Fresno, California, to attend two separate court hearings: the Motion for Preliminary Injunction hearing on November 17, 2010, and the Motion for Summary Judgment hearing on January 18, 2011. My attendance at these hearings was reasonably necessary as detailed in Plaintiffs' Opposition to Defendants' Motion to Tax Costs.

13. The travel expenses for these trips are as follows: (1) \$505.35 for one night's lodging in Fresno on January 17, 2011, for the Motion for Summary Judgment hearing; (2) \$224.00 for mileage to Fresno on November 17, 2010, for the Motion for Preliminary Injunction hearing; and (3) \$258.86 for mileage to Fresno on January 18, 2011, for the Motion for Summary Judgment hearing.

14. In preparing the Memorandum of Costs, my office relied on a summary accounting of hearing-related travel fees. On or about April 18, 2011, our office reviewed the detailed accounting reports and invoices related to the disputed \$1,226.13 in hearing-related travel fees. At this time, it was learned that the lodging invoices for Clinton B. Monfort and C.D. Michel included a \$20.30 "Restaurant Room Charge" and a \$2.50 charge for "Bottled Water," respectively, and that those costs had not been separately entered by our billing department. It was also discovered that, due to a billing error, Plaintiffs' Memorandum of Costs includes a request for both "mileage" (in the amount of \$256.86) and "gas" (in the amount of \$215.12), essentially seeking double recovery for Plaintiffs' attorneys' transportation to and from the hearing.

15. Attached as Exhibit F is a true and correct copy of Plaintiffs' attorneys' Hearing-Related Travel Expenses which total **\$988.21**. The expenses itemized in Exhibit F are reasonable and necessary travel expenses for the reasons detailed in Plaintiffs' Opposition to Defendants' Motion to Tax Costs.

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RECAPITULATION OF PLAINTIFFS' COSTS

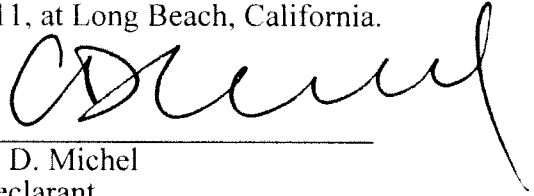
16. The total expenses requested by Plaintiffs' are \$10,375.73. These calculations are summarized as follows:

Filing and Motion Fees	\$ 895.00
Deposition Costs	\$ 8,331.96
Service of Process	\$ 160.56

Hearing Attendance Travel Expenses

\$ 988.21

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of April, 2011, at Long Beach, California.



C. D. Michel
Declarant

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

On April 19, 2011, I served the foregoing document(s) described as

**DECLARATION OF C. D. MICHEL IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION TO TAX COSTS**

on the interested parties in this action by placing

☐ the original

☒ a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

Kamala D. Harris
Attorney General of California
Zackery P. Morazzini
Supervising Deputy Attorney General
Peter A. Krause
Deputy Attorney General
1300 I Street, Suite 125
Sacramento, CA 94244-2550

(BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

Executed on April 19, 2011, at Long Beach, California.

(PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the addressee.

Executed on April 19, 2011, at Long Beach, California.

X (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on April 19, 2011, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CLAUDIA AYALA