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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO
10

11 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
12 SPORTING GOODS; CALIFORNIA RIFLE) **DECLARATION OF JOSHUA R. DALE**
AND PISTOL ASSOCIATION) **IN SUPPORT OF PLAINTIFFS' MOTION**
13 FOUNDATION; ABLE'S SPORTING,) **FOR ATTORNEYS FEES**
INC.; RTG SPORTING COLLECTIBLES,)
14 LLC; AND STEVEN STONECIPHER,)

15) Date: July 7, 2011
Plaintiffs and Petitioners,) Time: 3:30 p.m.
16) Location: Dept. 402
vs.) Judge: Hon. Jeffrey Y. Hamilton
17) Action Filed: June 17, 2010
)

18 THE STATE OF CALIFORNIA; KAMALA)
D. HARRIS, in her official capacity as)
Attorney General for the State of California;)
19 THE CALIFORNIA DEPARTMENT OF)
JUSTICE; and DOES 1-25,)
20)
21)

21 Defendants and Respondents.)
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DECLARATION OF JOSHUA R. DALE

I, Joshua R. Dale, declare as follows:

1. I am an attorney licensed to practice before all courts of the State of California. I am also licensed to practice before the U.S. Tax Court, the Ninth Circuit Court of Appeals, and the United States District Court for the Central District of California. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. I am a cum laude graduate of the Pepperdine School of Law. I have also been certified in Dispute Resolution by Pepperdine.

3. I have been practicing in California for 10 years. I am currently Special Counsel at Michel & Associates, P.C., counsel of record for Plaintiffs. I was previously a principal at LaFlam-Dale, LLP in Newport Beach.

4. My legal experience includes representing over 100 plaintiffs in a fraudulent transfer action against REIT promoters in a multi-state litigation. I have also represented the interests of a class of plaintiffs in a Private Attorneys General Act employment litigation. I have represented over 50 companies in business litigation matters, either as directly retained counsel or as insurance panel appointed counsel. I have also represented counties, cities, water districts, and their employees in employment and general liability matters. I have handled over a dozen matters deemed complex by the Superior Courts of Los Angeles and Orange Counties.

5. I have tried four cases to verdict and settled dozens of cases on the eve of trial.

6. My litigation experience includes taking approximately 110 depositions of witnesses. Of these, approximately 15 depositions have been of witnesses designated as expert consultants. Among the witnesses I have deposed include treating physicians, expert consultant physicians, high level consultants for the Los Angeles Department of Water and Power, and high level consultants for the Los Angeles County Sheriff's Department.

7. I have handled two matters before the California Court of Appeals.

8. I have been employed as a mediator through both private mediation and as a member of the Los Angeles County Alternative Dispute Resolution Panel. I have been a mediator on approximately 15 cases.

1 9. I have been published in law reviews and the Los Angeles and San Francisco Daily
2 Journals regarding issues of civil rights law, employment litigation law, and municipal law.

3 10. I have been an instructor for municipalities and private companies providing AB 1825
4 sexual harassment training to managers and supervisors.

5 11. I have been an MCLE instructor on seven presentations regarding discovery tactics,
6 e-discovery, and application of privileges under state and federal law.

7 12. Attached hereto as Exhibit H is a true and correct copy of the publications and
8 presentations that I have authored and presented.

9 13. I was asked to become involved in the *Parker* matter to assist in taking and defending
10 the depositions of percipient and expert witnesses, and to develop strategy regarding preparation for
11 the summary adjudication hearing. I understood that my participation was requested based upon my
12 experience handling complex litigation, handling issues of constitutional and governmental law, and
13 my understanding of issues that would be important on appeal. I further understood that my
14 participation was requested based upon my experience in taking depositions, including expert
15 consultant depositions.

16 14. My participation in the *Parker* litigation included developing strategy for taking the
17 deposition of State's expert consultant witness Blake Graham, taking the deposition of Mr. Graham,
18 developing strategy for defending the depositions of Plaintiffs Clay Parker, Herb Bauer Sporting
19 Goods, Inc., and Steven Stonecipher, and actively defending the depositions of Plaintiffs Clay Parker,
20 Herb Bauer Sporting Goods, Inc., and Steven Stonecipher.

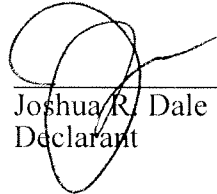
21 15. My participation in the *Parker* matter included developing strategy for preparing
22 Plaintiffs' expert consultant Stephen Helsley for his deposition. I also participated in the preparation of
23 Mr. Helsley for his deposition, and actively defended him during his deposition.

24 16. My participation in the *Parker* matter also included developing strategy for preparing
25 the summary adjudication motions, responding to the opposition to the summary adjudication motion,
26 and preparing pleadings in reply, including objections to the State's expert witness declaration and the
27 State's documentary evidence lodged in opposition.

1 17. I further understand that the necessity for all of the depositions, and my participation in
2 them, was based upon the State's insistence that it be allowed to conduct extensive percipient and
3 expert discovery before submitting issues to the Court on summary adjudication. Thus, it is my
4 understanding that, although Plaintiffs sought to have an expedited hearing on the legal issues that
5 were ultimately decided by the Court at the summary adjudication hearing, it was the State that insisted
6 that factual issues should be briefed as well, and the State further insisted that expert testimony was
7 necessary to decide those issues and the issue of vagueness of the subject statute raised by Plaintiffs'
8 complaint. I have reviewed the Court's ruling on Plaintiffs' motion for summary adjudication, and
9 based thereon, understand that the factual issues that the State insisted discovery be taken on were not
10 a factor in the Court's decision, and that the Court instead granted summary adjudication based upon
11 legal issues.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing is
13 true and correct. Executed this 13th day of May, 2011, at Long Beach, California.

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Joshua R. Dale
Declarant

EXHIBIT “H”

Publications and Productions : Michel and Associates, P.C.

Articles

Joshua R. Dale & Tamara M. Rider, *What Didn't Happen in 2010 for California Wage-and-Hour Laws*, L.A. Daily J., Dec. 22, 2010.

Joshua R. Dale & Tamara M. Rider, *What Didn't Happen in 2010 for California Wage-and-Hour Laws*, S.F. Daily J., Dec. 22, 2010.

Bell Scandal: Political Theater At The Expense of Taxpayers, L.A. Daily J., Sept. 27, 2010.

Bell Scandal: Political Theater At The Expense of Taxpayers, S.F. Daily J., Sept. 27, 2010.

Reallocating Litigation Costs: The Issue of Settlement Offers to Multiple Parties, WFB&N News 3, 2010.

California Exempt from Meal & Rest Period Laws in Correctional Officers' Wage and Hour Class Action Lawsuit: CCPOA v. Calif., 2010 DJDAR 14654 (2010).

Nicholas A. Cipiti & Joshua R. Dale, *Aggregate Coverage Limits on Construction Wrap Policies Affect Defendants' Settlement Considerations*, WFB&N News 3, July 2010.

Federal Law on Genetic Screening of Employees Takes Effect, WFB&N News 5, July 2010.

Walsworth, Franklin, Bevins & McCall, *Firm News/Events, The Renewed Importance of E-Discovery* (Mar. 10, 2010).

Contractors Beware: A Lapsed License Can Be Costly (co-author, July 2009)

David Van Dame & Joshua Dale, *California Restricts Indemnity Rights in Residential Construction Contracts*, WFB&N News 2, 2008.

Note, *Televised Political Debates and Arkansas Educational Television Commission v. Forbes: Excluding the Public from Public Broadcasting*, 27 Pepp. L. Rev. 629 (2000).



More Information

Admissions and Memberships

Degrees and Certifications

Honors and Awards

Publications and Productions

Teaching and Presentations

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 May 16, 2011, I served the foregoing document(s) described as

**DECLARATION OF JOSHUA R. DALE
IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS FEES**

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

X (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 May 16, 2011, at Long Beach, California.

— (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the addressee.
Executed on May 16, 2011, at Long Beach, California.

— (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 May 16, 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