

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

**SHERIFF CLAY PARKER, TEHAMA  
COUNTY SHERIFF; HERB BAUER  
SPORTING GOODS; CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION; ABLE'S  
SPORTING, INC.; RTG SPORTING  
COLLECTIBLES, LLC; AND STEVEN  
STONECIPHER,**

Case No. F062490

Plaintiffs and Respondents,

v.

**THE STATE OF CALIFORNIA; KAMALA  
D. HARRIS, in her official capacity as  
Attorney General for the State of California;  
AND THE CALIFORNIA DEPARTMENT  
OF JUSTICE,**

Defendants and Appellants.

Fresno County Superior Court, Case No. 10CECG02116  
The Honorable Jeff Hamilton, Judge

**JOINT APPENDIX  
VOLUME XV  
Pages JA004201-JA004314**

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Justice*

**INDEX OF JOINT APPENDIX**

**CHRONOLOGICAL**

| <b>TAB</b>      | <b>DATE</b> | <b>DOCUMENT</b>   | <b>PAGE</b> |
|-----------------|-------------|---|-------------|
| <b>VOLUME I</b> |             |   |             |
| 1               | 06/17/10    | Summons and Complaint for Declaratory and Injunctive Relief; Petition for Writ of Mandate (To Determine Validity of Statutes) | JA000001    |
| 2               | 08/03/10    | Answer to Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate                                    | JA000052    |
| 3               | 09/07/10    | Notice of Motion and Motion for Preliminary Injunction;   | JA000076    |
|                 |             | Declaration of Barry Bauer in Support of Motion for Preliminary Injunction;   | JA000079    |
|                 |             | Declaration of Clinton B. Monfort in Support of Motion for Preliminary Injunction;  | JA000083    |
|                 |             | Declaration of Ray T. Giles in Support of Motion for Preliminary Injunction;  | JA000089    |
|                 |             | Declaration of Mike Haas in Support of Motion for Preliminary Injunction;   | JA000093    |
|                 |             | Declaration of Stephen Helsely in Support of Motion for Preliminary Injunction;   | JA000099    |
|                 |             | Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion for Preliminary Injunction;                           | JA000114    |
|                 |             | Declaration of Steven Stonecipher in Support of Motion for Preliminary Injunction;  | JA000117    |
|                 |             | Declaration of Randy Wright in Support of Motion for Preliminary Injunction;  | JA000121    |
|                 |             | Exhibits 1-34 in Support of Motion for Preliminary Injunction.  | JA000126    |

## INDEX OF JOINT APPENDIX

### CHRONOLOGICAL

| TAB        | DATE     | DOCUMENT  | PAGE     |
|------------|----------|---|----------|
| VOLUME II  |          |   |          |
| 4          | 09/07/10 | Exhibits 35-47 in Support of Motion for Preliminary Injunction;   | JA000300 |
|            |          | Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction;   | JA000339 |
|            |          | Notice of Other Authorities in Support of Motion for Preliminary Injunction;  | JA000358 |
|            |          | [Proposed] Order Granting Preliminary Injunction  | JA000523 |
| 5          | 09/30/10 | Defendants' Memorandum of Points and Authorities in Opposition to Motion for Preliminary Injunction.  | JA000526 |
| 6          | 10/06/10 | Plaintiffs' Request for Judicial Notice in Support of Motion for Preliminary Injunction-Exh. 48-49.   | JA000548 |
| VOLUME III |          |   |          |
| 7          | 10/06/10 | Plaintiffs' Request for Judicial Notice in Support of Motion for Preliminary Injunction-Exh. 50-53.   | JA000592 |
| 8          | 10/07/10 | Reply to Opposition to Plaintiffs' Motion for Preliminary Injunction; Supplemental Declaration of Clinton B. Monfort in Support of Motion for Preliminary Injunction. | JA000693 |
| 9          | 10/08/10 | Plaintiffs' Request for Judicial Notice in Support of Motion for Preliminary Injunction- Exh. 54-55   | JA000707 |
| 10         | 10/22/10 | Defendants' Case Management Conference Statement  | JA000797 |
| 11         | 10/29/10 | Plaintiffs' Case Management Conference Statement  | JA000802 |
| 12         | 11/17/10 | Minute Order re: Status Conference, CMC, Motion for Preliminary Injunction  | JA000808 |

## INDEX OF JOINT APPENDIX

### CHRONOLOGICAL

| TAB | DATE     | DOCUMENT  | PAGE     |
|-----|----------|---|----------|
| 13  | 11/30/10 | Stipulation and Order to Modify Briefing Schedule for Motion for Summary Judgment | JA000810 |
| 14  | 12/06/10 | Notice of Motion for Summary Judgment and/or Summary Adjudication of Issues:      | JA000815 |
|     |          | Memorandum of Points and Authorities in Support of Motion;                        | JA000819 |
|     |          | Separate Statement of Undisputed Facts in Support of Motion;                      | JA000851 |

### VOLUME IV

|    |          |  |          |
|----|----------|--|----------|
| 15 | 12/06/10 | Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial Brief-Exh. 1-54. | JA000898 |
|----|----------|--|----------|

### VOLUME V

|    |          |   |          |
|----|----------|---|----------|
| 16 | 12/06/10 | Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial Brief-Exh. 54-58. | JA001193 |
|    |          | Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment-Exh. 1-4;   | JA001424 |

### VOLUME VI

|    |          |  |          |
|----|----------|--|----------|
| 17 | 12/06/10 | Plaintiffs' Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment-Exh. 4-15. | JA001478 |
|----|----------|--|----------|

**INDEX OF JOINT APPENDIX**

**CHRONOLOGICAL**

| <b>TAB</b>         | <b>DATE</b> | <b>DOCUMENT</b>  | <b>PAGE</b>  |
|--------------------|-------------|--|--|
| <b>VOLUME VII</b>  |             |  |  |
| 18                 | 12/06/10    | Plaintiffs' Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment-Exh. 15-18;<br>Request for Judicial Notice-Exh. A-H.   | JA001697<br>JA001815   |
| <b>VOLUME VIII</b> |             |  |  |
| 19                 | 12/06/10    | Plaintiffs' Request for Judicial Notice-Exh. I;<br><br>Declaration of Sean A. Brady in Support of Motion for Summary Judgment;<br><br>Declaration of Clinton B. Monfort in Support of Motion for Summary Judgment;<br><br>Declaration of Stephen Helsey in Support of Motion for Summary Judgment;<br><br>Declaration of Brian Hall in Support of Motion for Summary Judgment;<br><br>Declaration of Michael Tenny in Support of Motion for Summary Judgment;<br><br>Declaration of Larry W. Potterfield, CEO Midway Arms Inc, dba Midway USA, in Support of Motion for Summary Judgment;<br><br>Declaration of Tom Allman, Mendocino County Sheriff-Coroner, in support of Motion for Summary Judgment;<br><br>Declaration of Steven Stonecipher in Support of Motion for Summary Judgment;<br><br>Declaration of Ray T. Giles in Support of Motion for Summary Judgment; | JA001967<br><br>JA002004<br><br>JA002007<br><br>JA002017<br><br>JA002039<br><br>JA002043<br><br>JA002047<br><br>JA002051<br><br>JA002054<br><br>JA002057 |

## INDEX OF JOINT APPENDIX

### CHRONOLOGICAL

| TAB | DATE     | DOCUMENT   | PAGE     |
|-----|----------|--|----------|
|     |          | Declaration of Randy Wright in Support of Motion for Summary Judgment;   | JA002062 |
|     |          | Declaration of Barry Bauer in Support of Motion for Summary Judgment;  | JA002066 |
|     |          | Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion for Summary Judgment.                                    | JA002070 |
| 20  | 12/23/10 | Notice of Errata re: Plaintiffs' Separate Statement of Undisputed Facts  | JA002073 |
| 21  | 01/03/11 | Defendants' Memorandum of Opposition to Motion for Summary Judgment;   | JA002144 |
|     |          | Defendants' Response to Separate Statement of Undisputed Material Facts and Supplemental Statement of Undisputed Material Facts; | JA002173 |
|     |          | Declaration of Kimberly Granger in Support of Opposition to Motion for Summary Judgment;   | JA002242 |
|     |          | Declaration of Peter Krause in Support of Opposition to Motion for Summary Judgment;   | JA002245 |
|     |          | Declaration of Blake Graham in Support of Opposition to Motion for Summary Judgment.   | JA002249 |

### VOLUME IX

|    |          |   |          |
|----|----------|---|----------|
| 22 | 01/03/11 | Defendants' Request for Judicial Notice in Support of Opposition to Motion for Summary Judgment;        | JA002263 |
|    |          | Objection to Evidence and Declarations Submitted in Support of Plaintiffs' Motion for Summary Judgment; | JA002378 |
|    |          | Defendants' Evidence in Support of Opposition to Motion for Summary Judgment-Exh. A-E.                  | JA002410 |

**INDEX OF JOINT APPENDIX**

**CHRONOLOGICAL**

| <b>TAB</b>        | <b>DATE</b> | <b>DOCUMENT</b>   | <b>PAGE</b> |
|-------------------|-------------|---|-------------|
| <b>VOLUME X</b>   |             |   |             |
| 23                | 01/03/11    | Defendants' Evidence in Support of Opposition to Motion for Summary Judgment-Exh. F-I.  | JA002558    |
| 24                | 01/04/11    | Defendants' Notice of Lodging Federal Authorities Cited in Defendants' Opposition to Motion for Summary Judgment-Exh. A-G.    | JA002616    |
| <b>VOLUME XI</b>  |             |   |             |
| 25                | 01/04/11    | Defendants' Notice of Lodging Federal Authorities Cited in Defendants' Opposition to Motion for Summary Judgment-Exh. H-J.    | JA002817    |
| 26                | 01/07/11    | Reply Memorandum of Points and Authorities in Support of Motion for Summary Judgment;   | JA002879    |
|                   |             | Stipulated Supplemental Separate Statement of Undisputed Facts in Support of Plaintiffs' Motion for Summary Judgment;         | JA002913    |
|                   |             | Supplemental Declaration of Clinton B. Monfort.   | JA003055    |
| <b>VOLUME XII</b> |             |   |             |
| 27                | 01/07/11    | Objection to Defendants' Evidence Offered in Opposition to Motion for Summary Judgment.                                       | JA003424    |
| 28                | 01/07/11    | Plaintiffs' Evidentiary Objections to Defendants' Request for Judicial Notice.  | JA003452    |
| 29                | 01/07/11    | Notice of Lodging Federal Authorities in Support of Plaintiffs' Reply to Opposition to Motion for Summary Judgment-Exh. 1-11. | JA003461    |

## INDEX OF JOINT APPENDIX

### CHRONOLOGICAL

| TAB | DATE     | DOCUMENT   | PAGE     |
|-----|----------|--|----------|
| 30  | 01/11/11 | Defendants' Objections to Exhibits Attached to Supplemental Declaration of Clinton B. Monfort and Cited as Evidence in Plaintiffs' "Stipulated" Supplemental Separate Statement of Undisputed Facts; [Proposed] Order Thereon. | JA003704 |
| 31  | 01/12/11 | Notice of Lodgment of Blake Graham's Original Deposition Transcript Volume One in Support of Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial  | JA003710 |
| 32  | 01/12/11 | Notice of Lodgment of Blake Graham's Original Deposition Transcript Volume Two in Support of Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial.   | JA003713 |
| 33  | 01/12/11 | Notice of Erratum re: Plaintiffs' Evidence in Support of Reply to Opposition to Motion for Summary Judgment or in the Alternative Summary Adjudication and Trial.  | JA003716 |

### VOLUME XIII

|    |          |   |          |
|----|----------|---|----------|
| 34 | 01/12/11 | Notice of Lodging of Current Updated Version of Previously Filed Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial.   | JA003724 |
| 35 | 01/13/11 | Plaintiffs' Notice of Motion and Motion to Challenge Qualifications and Foundation of Defendants' Expert Witness Blake Graham to Offer Testimony at Hearing and Trial; Memorandum of Points and Authorities Demonstrating Preliminary Facts in Dispute; Declaration of Clinton B. Monfort in Support. | JA003803 |



## INDEX OF JOINT APPENDIX

### CHRONOLOGICAL

| TAB | DATE     | DOCUMENT  | PAGE     |
|-----|----------|---|----------|
| 36  | 01/18/11 | Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for an Evidentiary Hearing re: Qualification of Expert Witness Blake Graham; Declaration of Peter A. Krause in Support of Opposition-Exh. A-D. | JA003913 |

### VOLUME XIV

|    |          |   |          |
|----|----------|---|----------|
| 37 | 01/18/11 | Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for an Evidentiary Hearing re: Qualification of Expert Witness Blake Graham; Declaration of Peter A. Krause in Support of Opposition-Exh. E. | JA004005 |
| 38 | 01/20/11 | 01/18/11 Amended Minute Order   | JA004030 |
| 39 | 02/01/11 | 01/31/11 Minute Order and Copy of Order Denying Plaintiffs' Motion for Summary Judgment and Granting in Part and Denying in Part Plaintiffs' Motion for Summary Adjudication.   | JA004031 |
| 40 | 02/28/11 | Notice of Entry of Judgment.  | JA004055 |
| 41 | 03/10/11 | Memorandum of Costs (Summary)   | JA004122 |
| 42 | 04/01/11 | The State's Notice of Motion and Motion to Tax Costs;   | JA004129 |
|    |          | Appendix of Non-California Authorities in Support of the State's Motion to Tax Costs;   | JA004132 |
|    |          | Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs; Declaration of Peter A. Krause in Support Thereof.  | JA004151 |

## INDEX OF JOINT APPENDIX

### CHRONOLOGICAL

| TAB | DATE     | DOCUMENT   | PAGE     |
|-----|----------|--|----------|
| 43  | 04/20/11 | Memorandum of Points and Authorities in Opposition to Tax Costs; | JA004176 |
|     |          | Declaration of Clinton B. Monfort in Support of Opposition;      | JA004190 |
|     |          | Declaration of C.D. Michel in Support of Opposition.             | JA004195 |

### VOLUME XV

|    |          |  |          |
|----|----------|--|----------|
| 44 | 4/20/11  | Plaintiffs' Notice of Lodging of Exhibits E-F in Support of C.D. Michel's Declaration in Opposition to Motion to Tax Costs.                            | JA004201 |
| 45 | 04/26/11 | Reply Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs; Supplemental Declaration of Peter Krause in Support Thereof. | JA004253 |
| 46 | 04/28/11 | Notice of Appeal   | JA004271 |
| 47 | 05/13/11 | Notification of Filing Notice of Appeal.   | JA004273 |
| 48 | 05/17/11 | Amended Notification of Filing Notice of Appeal.   | JA004275 |
| 49 | 05/17/11 | Ruling – Defendants' Motion to Tax Costs.  | JA004277 |
| 50 | 06/09/11 | Notice of Appeal; Appellant's Notice of Designating Record on Appeal.  | JA004281 |
| 51 | 06/14/11 | Notification of Filing Notice of Appeal – Civil; Clerk's Certification of Mailing.   | JA004304 |
| 52 |          | Stipulation for Joint Appendix.  | JA004306 |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| <b>TAB</b> | <b>DATE</b> | <b>DOCUMENT</b>   | <b>PAGE</b> |
|------------|-------------|---|-------------|
| 38         | 01/20/11    | 01/18/11 Amended Minute Order   | JA004030    |
| 39         | 02/01/11    | 01/31/11 Minute Order and Copy of Order Denying Plaintiffs' Motion for Summary Judgment and Granting in Part and Denying in Part Plaintiffs' Motion for Summary Judgment.   | JA004031    |
| 48         | 05/17/11    | Amended Notification of Filing Notice of Appeal.  | JA004275    |
| 2          | 08/03/10    | Answer to Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate.   | JA000052    |
| 4          | 09/07/10    | Exhibits 35-17 in Support of Motion for Preliminary Injunction;   | JA000300    |
|            |             | Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction;   | JA000339    |
|            |             | Notice of Other Authorities in Support of Motion for Preliminary Injunction;  | JA000358    |
|            |             | [Proposed] Order Granting Preliminary Injunction.   | JA000523    |
| 10         | 10/22/10    | Defendants' Case Management Conference Statement.   | JA000797    |
| 23         | 01/03/11    | Defendants' Evidence in Support of Opposition to Motion for Summary Judgment-Exh. F-I.  | JA002558    |
| 36         | 01/18/11    | Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for an Evidentiary Hearing re: Qualification of Expert Witness Blake Graham; Declaration of Peter A. Krause in Support of Opposition-Exh. A-D. | JA003913    |
| 37         | 01/18/11    | Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for an Evidentiary Hearing re: Qualification of Expert Witness Blake Graham; Declaration of Peter A. Krause in Support of Opposition-Exh. E.   | JA004005    |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| TAB | DATE     | DOCUMENT   | PAGE     |
|-----|----------|--|----------|
| 5   | 09/30/10 | Defendants' Memorandum of Points and Authorities in Opposition to Motion for Preliminary Injunction.   | JA000526 |
| 21  | 01/03/11 | Defendants' Memorandum of Opposition to Motion for Summary Judgment;   | JA002144 |
|     |          | Defendants' Response to Separate Statement of Undisputed Facts and Supplemental Statement of Undisputed Material Facts;  | JA002173 |
|     |          | Declaration of Kimberly Granter in Support of Opposition to Motion for Summary Judgment;   | JA002242 |
|     |          | Declaration of Peter Krause in Support of Opposition to Motion for Summary Judgment.   | JA002245 |
|     |          | Declaration of Blake Graham in Support of Opposition to Motion for Summary Judgment.   | JA002249 |
| 24  | 01/04/11 | Defendants' Notice of Lodging Federal Authorities Cited in Defendants' Opposition to Motion for Summary Judgment-Exh. A-G.   | JA002616 |
| 25  | 01/04/11 | Defendants' Notice of Lodging Federal Authorities Cited in Defendants' Opposition to Motion for Summary Judgment-Exh. H-J.   | JA002817 |
| 30  | 01/11/11 | Defendants' Objections to Exhibits Attached to Supplemental Declaration of Clinton B. Monfort and Cited as Evidence in Plaintiffs' "Stipulated" Supplemental Separate Statement of Undisputed Facts; [Proposed] Order Thereon. | JA003704 |
| 22  | 01/03/11 | Defendants' Request for Judicial Notice in Support of Opposition to Motion for Summary Judgment;   | JA002263 |
|     |          | Objection to Evidence and Declarations Submitted in Support of Plaintiffs' Motion for Summary Judgment;  | JA002378 |
|     |          | Defendants' Evidence in Support of Opposition to Motion for Summary Judgment-Exh. A-E.   | JA002410 |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| TAB | DATE     | DOCUMENT   | PAGE     |
|-----|----------|--|----------|
| 41  | 03/10/11 | Memorandum of Costs (Summary)  | JA004122 |
| 43  | 04/20/11 | Memorandum of Points and Authorities in Opposition to Tax Costs;   | JA004176 |
|     |          | Declaration of Clinton B. Monfort in Support of Opposition;  | JA004190 |
|     |          | Declaration of C.D. Michel in Support of Opposition.   | JA004195 |
| 12  | 11/17/10 | Minute Order re: Status Conference, CMC, Motion for Preliminary Injunction.  | JA000808 |
| 46  | 04/28/11 | Notice of Appeal.  | JA004271 |
| 50  | 06/06/11 | Notice of Appeal; Appellants' Notice of Designating Record on Appeal.  | JA004281 |
| 40  | 02/28/11 | Notice of Entry of Judgment.   | JA004055 |
| 20  | 12/23/10 | Notice of Errata re: Plaintiffs' Separate Statement of Undisputed Facts.   | JA002073 |
| 33  | 01/12/11 | Notice of Erratum re: Plaintiffs' Evidence in Support of Reply to Opposition to Motion for Summary Judgment or in the Alternative Summary Adjudication and Trial.      | JA003716 |
| 34  | 01/12/11 | Notice of Lodging Current Updated Version of Previously Filed Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial. | JA003724 |
| 29  | 01/07/11 | Notice of Lodging Federal Authorities in Support of Plaintiffs' Reply to Opposition to Motion for Summary Judgment.  | JA003461 |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| <b>TAB</b> | <b>DATE</b> | <b>DOCUMENT</b>  | <b>PAGE</b> |
|------------|-------------|--|-------------|
| 31         | 01/12/11    | Notice of Lodgment of Blake Graham's Original Deposition Transcript Volume One in Support of Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial. | JA003710    |
| 32         | 01/12/11    | Notice of Lodgment of Blake Graham's Original Deposition Transcript Volume Two in Support of Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial. | JA003713    |
| 3          | 09/07/10    | Notice of Motion and Motion for Preliminary Injunction;  | JA000076    |
|            |             | Declaration of Barry Bauer in Support of Motion for Preliminary Injunction;  | JA000079    |
|            |             | Declaration of Clinton B. Monfort in Support of Motion for Preliminary Injunction;   | JA000083    |
|            |             | Declaration of Ray T. Giles in Support of Motion for Preliminary Injunction;   | JA000089    |
|            |             | Declaration of Mike Haas in Support of Motion for Preliminary Injunction;  | JA000093    |
|            |             | Declaration of Stephen Helsely in Support of Motion for Preliminary Injunction;  | JA000099    |
|            |             | Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion for Preliminary Injunction;  | JA000114    |
|            |             | Declaration of Steven Stonecipher in Support of Motion for Preliminary Injunction;   | JA000117    |
|            |             | Declaration of Randy Wright in Support of Motion for Preliminary Injunction;   | JA000121    |
|            |             | Exhibits 1-34 in Support of Motion for Preliminary Injunction.   | JA000126    |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| <b>TAB</b> | <b>DATE</b> | <b>DOCUMENT</b>   | <b>PAGE</b> |
|------------|-------------|---|-------------|
| 14         | 12/06/10    | Notice of Motion for Summary Judgment and/or Summary Adjudication of Issues;  | JA000815    |
|            |             | Memorandum of Points and Authorities in Support of Motion;  | JA000819    |
|            |             | Separate Statement of Undisputed Facts in Support of Motion.  | JA000851    |
| 47         | 05/13/11    | Notification of Filing Notice of Appeal.  | JA004273    |
| 51         | 06/14/11    | Notification of Filing Notice of Appeal – Civil; Clerk’s Certification of Mailing.  | JA004304    |
| 27         | 01/07/11    | Objection to Defendants’ Evidence Offered in Opposition to Motion for Summary Judgment.   | JA003424    |
| 11         | 10/29/10    | Plaintiffs’ Case Management Conference Statement.   | JA000802    |
| 15         | 12/06/10    | Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial Brief-Exh. 1-53.  | JA000898    |
| 16         | 12/06/10    | Plaintiffs’ Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial Brief-Exh. 24-58; | JA001193    |
|            |             | Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment-Exh. 1-4.   | JA001424    |
| 28         | 01/07/11    | Plaintiffs’ Evidentiary Objections to Defendants’ Request for Judicial Notice.  | JA003452    |
| 44         | 04/20/11    | Plaintiffs’ Notice of Lodging of Exhibits E-F in Support of C.D. Michel’s Declaration in Opposition to Motion to Tax Costs.           | JA004201    |
| 17         | 12/06/10    | Plaintiffs’ Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment-Exh. 4-15.                                | JA001478    |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| <b>TAB</b> | <b>DATE</b> | <b>DOCUMENT</b>   | <b>PAGE</b> |
|------------|-------------|---|-------------|
| 18         | 12/06/10    | Plaintiffs' Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment-Exh. 15-18;   | JA001697    |
|            |             | Request for Judicial Notice- Exh. A-H.  | JA001815    |
| 35         | 01/13/11    | Plaintiffs' Notice of Motion and Motion to Challenge Qualifications and Foundation of Defendants' Expert Witness Blake Graham to Offer Testimony at Hearing and Trial; Memorandum of Points and Authorities Demonstrating Preliminary Facts in Dispute; Declaration of Clinton B. Monfort in Support. | JA003803    |
| 6          | 10/06/10    | Plaintiffs' Request for Judicial Notice in Support of Motion for Preliminary Injunction-Exh. 48-49.   | JA000548    |
| 7          | 10/06/10    | Plaintiffs' Request for Judicial Notice in Support of Motion for Preliminary Injunction-Exh. 50-53.   | JA000592    |
| 9          | 10/8/10     | Plaintiffs' Request for Judicial Notice in Support of Motion for Preliminary Injunction-Exh. 54-55.   | JA000707    |
| 8          | 10/07/10    | Plaintiffs' Request for Judicial Notice-Exh. I;   | JA001967    |
|            |             | Declaration of Sean A. Brady in Support of Motion for Summary Judgment;   | JA002004    |
|            |             | Declaration of Clinton B. Monfort in Support of Motion for Summary Judgment;  | JA002007    |
|            |             | Declaration of Stephen Helsey in Support of Motion for Summary Judgment;  | JA002017    |
|            |             | Declaration of Brian Hall in Support of Motion for Summary Judgment;  | JA002039    |
|            |             | Declaration of Michael Tenny in Support of Motion for Summary Judgment;   | JA002043    |



## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| TAB | DATE     | DOCUMENT   | PAGE     |
|-----|----------|--|----------|
|     |          | Declaration of Larry W. Potterfield, CEO Midway Arms Inc, dba Midway USA, in Support of Motion for Summary Judgment;                                   | JA002047 |
|     |          | Declaration of Tom Allman, Mendocino County Sheriff-Coroner, in support of Motion for Summary Judgment;  | JA002051 |
|     |          | Declaration of Steven Stonecipher in Support of Motion for Summary Judgment;   | JA002054 |
|     |          | Declaration of Ray T. Giles in Support of Motion for Summary Judgment;   | JA002057 |
|     |          | Declaration of Randy Wright in Support of Motion for Summary Judgment;   | JA005062 |
|     |          | Declaration of Barry Bauer in Support of Motion for Summary Judgment;  | JA002066 |
|     |          | Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion for Summary Judgment.  | JA002070 |
| 26  | 01/07/11 | Reply Memorandum of Points and Authorities in Support of Motion for Summary Judgment;  | JA002879 |
|     |          | Stipulated Supplemental Separate Statement of Undisputed Facts in Support of Plaintiffs' Motion for Summary Judgment;                                  | JA002913 |
|     |          | Supplemental Declaration of Clinton B. Monfort.  | JA003055 |
| 45  | 04/26/11 | Reply Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs; Supplemental Declaration of Peter Krause in Support Thereof. | JA004253 |

## INDEX OF JOINT APPENDIX

### ALPHABETICAL

| <b>TAB</b> | <b>DATE</b> | <b>DOCUMENT</b>   | <b>PAGE</b> |
|------------|-------------|---|-------------|
| 8          | 10/07/10    | Reply to Opposition to Plaintiffs' Motion for Preliminary Injunction; Supplemental Declaration of Clinton B. Monfort in Support of Motion for Preliminary Injunction. | JA000693    |
| 49         | 05/17/11    | Ruling – Defendants' Motion to Tax Costs.   | JA004277    |
| 52         |             | Stipulation for Joint Appendix  | JA004306    |
| 13         | 11/30/10    | Stipulation and Order to Modify Briefing Schedule for Motion for Summary Judgment.  | JA000810    |
| 1          | 06/17/10    | Summons and Complaint for Declaratory and Injunctive Relief; Petition for Writ of Mandate (To Determine Validity of Statutes).  | JA000001    |
| 42         | 04/01/11    | The State's Notice of Motion and Motion to Tax Costs;   | JA004129    |
|            |             | Appendix of non-California Authorities in Support of the State's Motion to tax Costs;   | JA004132    |
|            |             | Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs; Declaration of Peter A. Krause in Support Thereof.                                | JA004151    |

There are no even-numbered page between JA002879 and JA003423 in the Joint Appendix. This gap was created by a production error at the numbering stage. Rather than print blank pages with these numbers, they have been omitted.

1 C. D. Michel - SBN 144258  
Clinton B. Monfort - SBN 255609  
2 Sean A. Brady - SBN 262007  
MICHEL & ASSOCIATES, P.C.  
3 180 East Ocean Blvd., Suite 200  
Long Beach, CA 90802  
4 Telephone: (562) 216-4444  
Fax: (562) 216-4445  
5 cmichel@michellawyers.com

6 Attorneys for Plaintiffs/Petitioners

7  
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 )  
AND PISTOL ASSOCIATION ) **PLAINTIFFS' NOTICE OF LODGING OF**  
13 FOUNDATION; ABLE'S SPORTING, ) **EXHIBITS A-F TO C. D. MICHEL'S**  
INC.; RTG SPORTING COLLECTIBLES, ) **DECLARATION IN OPPOSITION TO**  
14 LLC; AND STEVEN STONECIPHER, ) **DEFENDANTS' MOTION TO TAX 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, )  
20 )  
21 )  
22 )

Defendants and Respondents.

) Date: May 3, 2011  
) Time: 3:30 p.m.  
) Location: Dept. 402  
) Judge: Hon. Jeffrey Y. Hamilton  
) Action Filed: June 17, 2010

23  
24  
25  
26  
27  
28  

---

PLAINTIFFS' NOTICE OF LODGING EXHIBITS A-F TO C.D. MICHEL'S DECLARATION



# **EXHIBIT A**

Attorneys at Law

~~X~~ RUSH

X CHECK REQUEST \_\_\_ CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

### CASE INFORMATION

CLIENT NAME: NRA PB 962 Vulnerability CLIENT NO.: 16070

CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_

REQUESTED BY: Valerie FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_

Is there a client fee liability agreement in place? \_\_\_\_\_

If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_

Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

### PROJECT INFORMATION

VENDOR/PAYABLE TO: Fresno County Superior Court

ADDRESS: 2317 Tuolumne St. Fresno CA 93721-1220

TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 355.00

DATE SUBMITTED: 6/16/10 COST ESTIMATE: \$                     

DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_

DATE OF SERVICE: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
COPIED FOR BILLING \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST: File for 605 10/2/2

NOTES/JUSTIFICATION FOR REQUEST:

filling fee. for AB 9102

**Michel & Associates, P.C.**

Fresno County Superior Court  
Client Advance:Filing Fees

Fresno County Superior Court: 06/16/10 Filing fee for 6/16/2010

5217

355.00

Checking WF - 7133      Filing Fee (VP)

355.00



**Attorney's Diversified Services**  
www.attorneysdiversified.com  
IRS NO. 20-0709641

# RUSH!

# INVOICE

**ATTORNEYS DIVERSIFIED SERVICES**  
741 N. Fulton Street  
Fresno, CA. 93728  
(559) 233-1475 FAX: (559) 486-4119

Customer Date Invoice  
5622164444 06/21/10 000C1706-00

**Ship To:**

MICHEL & ASSOCIATES, P.C.  
  
ATTN: VALERIE POMELLA  
180 E. OCEAN BLVD., SUITE 200  
LONG BEACH, CA 90802  
Phone: (562) 216-4444 Client Type: 01  
Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.  
  
ATTN: VALERIE POMELLA  
180 E. OCEAN BLVD., SUITE 200  
LONG BEACH, CA 90802  
Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO SUPERIOR COURT  
Depo Date:  
Case #: 10CECG02116  
Case Name: PARKER  
vs STATE OF CALIFORNIA

**VITAL INFORMATION**

FIRM'S FILE NUMBER: 1600  
CLAIM NUMBER:  
RE: FAX FILING

| Description     | Units | Rate  | Amount | Tax |
|-----------------|-------|-------|--------|-----|
| Rush Court Svc. | 1     | 49.50 | 49.50  | N   |
| Fuel Surcharge  | 1     | 1.50  | 1.50   | N   |

- ☐ Enter ☒ Entered  
☐ Copy ☐ Copied  
☐ Client/Vendor File  
☐ Vendor Bucket  
☐ Expense Bucket

**SERVICE PROVIDED:**

FRESNO COUNTY SUPERIOR COURT  
FILE AND CONFORM DOCUMENTS; CIVIL CASE  
COVER SHEET, SUMMONS, COMPLAINT AND  
EXHIBITS. FEES ATTACHED \$355.00

SUBTOTAL \$ 51.00

REMARKS:

**TOTAL DUE \$ 51.00**

**Remit Payment to:**

Attorney's Diversified Services  
PO Box 2799  
Sacramento, CA 95812  
916 441-4396 FAX 916 443-1162.  
IRS NO. 20-0709641

| Customer   | Date     | Invoice     |
|------------|----------|-------------|
| 5622164444 | 06/21/10 | 000C1706-00 |

Claim #: File #: 1600

**Bill to:**

MICHEL & ASSOCIATES, P.C.  
  
ATTN: VALERIE POMELLA  
180 E. OCEAN BLVD., SUITE 200  
LONG BEACH, CA 90802

Phone: (562) 216-4444  
Fax: (562) 216-4445  
Client Type: 01



TERMS: DUE UPON RECEIPT OF INVOICE - PAST DUE ACCOUNTS MAY BE SUBJECT TO A \$20.00 SERVICE CHARGE AND/OR 1.5% MONTHLY INTEREST - IN THE EVENT OF DEFAULT.

JA004205





**Attorney's Diversified Services**  
 www.attorneysdiversified.com  
 IRS NO. 20-0709641

# RUSH!

# INVOICE

**ATTORNEYS DIVERSIFIED SERVICES**

741 N. Fulton Street

Fresno, CA. 93728

(559) 233-1475 FAX: (559) 486-4119

Customer Date Invoice

5622164444 09/08/10 000C2077-00

**Ship To:**

MICHEL & ASSOCIATES, P.C.

ATTN: C.D. MICHEL/VALERIE  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802  
 Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.

ATTN: C.D. MICHEL  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802  
 Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO SUPERIOR COURT

Depo Date:

Case #: 10CECG02116

Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIFORNIA, ET AL

**VITAL INFORMATION**

FIRM'S FILE NUMBER: 180

CLAIM NUMBER:

RE: RUSH FAX FILING

| Description     | Units | Rate  | Amount | Ta: |
|-----------------|-------|-------|--------|-----|
| Rush Court Svc. | 1     | 49.50 | 49.50  | N   |
| Fax Reception   | 458   | 1.00  | 458.00 | N   |
| 458 Pages       | 458   | 0.10  | 45.80  | Y   |
| Fees Advanced   | 1     | 40.00 | 40.00  | N   |
| Check Charge    | 1     | 4.95  | 4.95   | N   |
| Fuel Surcharge  | 1     | 1.50  | 1.50   | N   |

**SERVICE PROVIDED:**

FRESNO COUNTY SUPERIOR COURT;  
 NOM & MTN FOR PRELIM INJ; PROPOSED ORDER  
 GRANTING...; DECL OF C. B. MONFORT, R. T  
 GILES, M. HAAS, S. HELSLEY, C. PARKER,  
 S. STONECIPHER, R. WRIGHT, B. BAUER,  
 MEMO OF P'S & A'S; NTC OF OTHER AUTH  
 IN SUPPORT; EXHIBITS OF 1-47 IN SUPPORT.  
 REMARKS:

SUBTOTAL \$ 599.75  
 SALES TAX \$ 4.47

**TOTAL DUE \$ 604.22**

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812  
 916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

| Customer             | Date     | Invoice     |
|----------------------|----------|-------------|
| 5622164444           | 09/08/10 | 000C2077-00 |
| Claim #: File #: 180 |          |             |

**Bill to:**

MICHEL & ASSOCIATES, P.C.

ATTN: C.D. MICHEL/VALERIE  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444  
 Fax: (562) 216-4445  
 Client Type: 01

**TOTAL DUE \$ 604.22**



account #



workorder #



part #

TERMS: DUE UPON RECEIPT OF INVOICE - PAST DUE ACCOUNTS MAY BE SUBJECT TO A \$20.00 SERVICE CHARGE AND/OR 1.5% MONTHLY INTEREST - IN THE EVENT OF DEFAULT, COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ASSESSED.

3

JA004206

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

☒ RUSH

☒ CHECK REQUEST ☐ CREDIT CARD ☐ WORK ORDER  
☐ CREDIT MEMO ☐ TRANSFER APPROVAL

**CASE INFORMATION**

CLIENT NAME: NRA, Parker CLIENT NO.: \_\_\_\_\_  
CASE/MATTER: Parker v. State CASE NO.: \_\_\_\_\_  
REQUESTED BY: Claudia FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

**PROJECT INFORMATION**

VENDOR/PAYABLE TO: Fresno Superior Court  
ADDRESS: 1130 O Street, Fresno, CA 93721  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 500.00  
DATE SUBMITTED: 12/6/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: 12/6/10 DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

Michel & Associates, P.C.

Fresno County Superior Court  
Client Advance: Filing Fees

Fresno County Superior Court: 12/06/10 Filing fee for

581

500.00

Checking WF - 7133 Parker v. State of CA - MSJ Filing Fee

500.00

PRODUCT DL1104

USE WITH 91603 ENVELOPE

Deluxe For Business 1-800-225-6380 or www.mts.com

PRINTED IN U.S.A.

JA004207

## **EXHIBIT B**

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST X <sup>VISA</sup> CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: NRA. Parker CLIENT NO.: 1000  
CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_ FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: Hotels.com  
ADDRESS: 10440 N. Central Expressway Ste. 400 Dallas TX 75231  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 100.35  
DATE SUBMITTED: 12/9/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST: CBM hotel accommodations  
reservation in Fresno, CA for depositions of Barry Bauer &  
Steven Stonecipher.

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_ Case Managing Attorney  
WORK APPROVED BY: ph Office Manager  
WORK APPROVED BY: \_\_\_\_\_ Senior Partner (approval needed if over  
\$300.00)

---

## Your Receipt

**Hotels.com Confirmation Number: 53420782**

Booked: Online - December 9, 2010 5:04:17 PM CST

Guest Name: Clinton Monfort  
Billing Address: 180 E Ocean Blvd.  
Suite 200  
Long Beach, CA  
90802  
US

### Booking Details

Hotel Details: Courtyard by Marriott Fresno  
140 E Shaw Ave  
Fresno, CA  
93710  
US  
Check-in: 12/13/10  
Check-out: 12/14/10  
Number of Nights: 1  
Number of Rooms: 3  
Room Type: King Room  
Sub-total: \$66.30  
Taxes & fees: \$34.05  
**Total Price: \$100.35**  
This receipt was printed on: December 9, 2010 5:05:15 PM CST

### Cancellation Policy

We understand that sometimes plans fall through. We do not charge a change or cancel fee. However, this property (Courtyard by Marriott Fresno) imposes the following penalty to its customers that we are required to pass on: Cancellations or changes made after 4:00 PM (Pacific Standard Time (US & Canada); Tijuana) on Dec 12, 2010 are subject to a 1 Night Room & Tax penalty. The property makes no refunds for no shows or early checkouts. Please note that if you make changes in your booking, they could result in charges applicable by policy and availability.

Please see the website for Terms and Conditions:

[http://www.hotels.com/customer\\_care/terms\\_conditions.html?pos=HCOM\\_US&locale=en\\_US](http://www.hotels.com/customer_care/terms_conditions.html?pos=HCOM_US&locale=en_US)

Hotels.com, LP 10440 N Central Expressway, Suite 400, Dallas, Texas 75231 USA

JA004210

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST VISA CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: NRA-Parker CLIENT NO.: 1600  
CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
REQUESTED BY: VP FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: hotels.com  
ADDRESS: 10440 N. Central Expressway Suite 400 Dallas TX 75231  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 100.35  
DATE SUBMITTED: 12/9/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST: SAB hotel Accommodations reservation  
in Fresno, CA for deposition of Barry Bauer & Steven Stonecipher.

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received \_\_\_\_\_  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_ Case Managing Attorney  
WORK APPROVED BY: [Signature] Office Manager  
WORK APPROVED BY: \_\_\_\_\_ Senior Partner (approval needed if over \$300.00)

---

## Your Receipt

Hotels.com Confirmation Number: 53420782

Booked Online - December 9, 2010 5:04:17 PM CST

Guest Name: Sean Brady  
Billing Address: 180 E. Ocean Blvd.  
Suite 200  
Long Beach, CA  
90802  
US

### Booking Details

Hotel Details: Courtyard by Marriott Fresno  
140 E Shaw Ave  
Fresno, CA  
93710  
US

Check-in: 12/13/10

Check-out: 12/14/10

Number of Nights: 1

Number of Rooms: 3

Room Type: King Room

Sub-total: \$66.30

Taxes & fees: \$34.05

**Total Price: \$100.35**

This receipt was printed on: December 9, 2010 5:05:50 PM CST

### Cancellation Policy

We understand that sometimes plans fall through. We do not charge a change or cancel fee. However, this property (Courtyard by Marriott Fresno) imposes the following penalty to its customers that we are required to pass on: Cancellations or changes made after 4:00 PM (Pacific Standard Time (US & Canada); Tijuana) on Dec 12, 2010 are subject to a 1 Night Room & Tax penalty. The property makes no refunds for no shows or early checkouts. Please note that if you make changes in your booking, they could result in charges applicable by policy and availability.

Please see the website for Terms and Conditions:

[http://www.hotels.com/customer\\_care/terms\\_conditions.html?pos=HCOM\\_US&locale=en\\_US](http://www.hotels.com/customer_care/terms_conditions.html?pos=HCOM_US&locale=en_US)

Hotels.com, LP 10440 N Central Expressway, Suite 400, Dallas, Texas 75231 USA

JA004212

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST X VISA CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: NRA Parker CLIENT NO.: 1600  
CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
REQUESTED BY: VP (com) FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: Hotels.com (courtyard by Marriott Fresno)  
ADDRESS: 10440 N. Central Expressway Suite 400 Dallas TX 75231  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 100.35  
DATE SUBMITTED: 12/9/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_  
NOTES/JUSTIFICATION FOR REQUEST: JRD hotel accommodations reservation in Fresno, CA for deposition of Barry Bauer & Steven Stonecipher.

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_

WORK APPROVED BY: \_\_\_\_\_

WORK APPROVED BY: \_\_\_\_\_

\_\_\_\_\_  
Case Managing Attorney

\_\_\_\_\_  
Office Manager

\_\_\_\_\_  
Senior Partner (approval needed if over \$300.00)



---

## Your Receipt

**Hotels.com Confirmation Number: 53420782**

Booked Online - December 9, 2010 5:04:17 PM CST

Guest Name: Joshua Dale  
Billing Address: 180 E. Ocean Blvd.  
Suite 200  
Long Beach, CA  
90802  
US

### Booking Details

Hotel Details: Courtyard by Marriott Fresno  
140 E Shaw Ave  
Fresno, CA  
93710  
US

Check-in: 12/13/10

Check-out: 12/14/10

Number of Nights: 1

Number of Rooms: 3

Room Type: King Room

Sub-total: \$66.30

Taxes & fees: \$34.05

**Total Price: \$100.35**

This receipt was printed on December 9, 2010 5:06:27 PM CST

### Cancellation Policy

We understand that sometimes plans fall through. We do not charge a change or cancel fee. However, this property (Courtyard by Marriott Fresno) imposes the following penalty to its customers that we are required to pass on: Cancellations or changes made after 4:00 PM (Pacific Standard Time (US & Canada); Tijuana) on Dec 12, 2010 are subject to a 1 Night Room & Tax penalty. The property makes no refunds for no shows or early checkouts. Please note that if you make changes in your booking, they could result in charges applicable by policy and availability.

Please see the website for Terms and Conditions:

[http://www.hotels.com/customer\\_care/terms\\_conditions.html?pos=HCOM\\_US&locale=en\\_US](http://www.hotels.com/customer_care/terms_conditions.html?pos=HCOM_US&locale=en_US)

Hotels.com, LP 10440 N. Central Expressway, Suite 400, Dallas, Texas 75231 USA

JA004214

# Expense Report


For Expenses incurred after January 1, 2010

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

Name: Clinton B. Monfort

Submission Date: December 21, 2010

| Date                  | Description<br>(Please Specify Exact Case Name and Purpose of Expense)  | Parking                     | Client<br>Advance | Meals        | Other<br>(Please List<br>in Description) | Travel<br>(Please<br>Specify) | # of<br>Miles<br>Driven | Calcula-<br>tion of<br>Mileage | TOTALS |
|-----------------------|---|-----------------------------|-------------------|--------------|--|-------------------------------|-------------------------|--------------------------------|--------|
| 12.16.10              | Travel for Deposition of Stephen Helsey - Cab Fare to<br>CBM Home (NRA Parker v. CA)  |                             |                   |              |  | 18.50                         |                         | 0.00                           | 18.50  |
| 12.15.10              | Travel for Deposition of Stephen Helsey - Cab Fare to<br>San Diego Airport (NRA Parker v. CA)   |                             |                   |              |  | 20.00                         |                         | 0.00                           | 20.00  |
| 12.15.10              | Travel for Deposition of Stephen Helsey - Cab Fare to<br>Hotel in Sacramento (NRA Parker v. CA)   |                             |                   |              |  | 45.00                         |                         | 0.00                           | 45.00  |
| 12.16.10              | Travel for Deposition of Stephen Helsey - Cab Fare<br>to Sacramento Airport (NRA Parker v. CA)  |                             |                   |              |  | 46.00                         |                         | 0.00                           | 46.00  |
| 12.03.10-<br>12.07.10 | Hotel Accommodations for Prepping Pleadings for<br>Motion for Summary Judgment - Holiday Inn Express,<br>Downtown Long Beach (NRA Parker v. CA) |                             |                   |              | 512.96                                   |                               |                         | 0.00                           | 512.96 |
| 12.14.10              | Drive from San Diego to Fresno for Depositions of<br>Barry Bauer and Steven Stonecipher (NRA Parker v.<br>CA)                                   |                             |                   |              |  |                               | 343.31                  | 171.66                         | 171.66 |
| 12.15.10              | Drive from Fresno to San Diego returning from<br>Depositions of Barry Bauer and Steven Stonecipher<br>(NRA Parker v. CA)                        |                             |                   |              |  |                               | 343.31                  | 171.66                         | 171.66 |
| TOTALS                |   | 0.00                        | 0.00              | 0.00         | 512.96                                   | 129.50                        | 686.62                  | 343.31                         | 985.77 |
|                       |   | Less Credit for Any Advance |                   | TOTAL DUE    |  | 0.00                          |                         |                                |        |
|                       |   |                             |                   | APPROVED BY: |  | 5985.77                       |                         |                                |        |

EMPLOYEE SIGNATURE: 

Expenses are reimbursed once a month. Expense reimbursement forms must be submitted by the last day of the month for reimbursement by 10<sup>th</sup> of the next month. Expense reimbursement requests will not be processed if they are not submitted on the correct form. The form can be obtained by pressing Alt + E in WordPerfect or by retrieving document number 141577 from Litmanage. Completed expense reports must be submitted to Haydee Villegas for approval and processing by the 1<sup>st</sup> of the month.

Case related expenses over \$200.00 must be approved by the Case Manager and/or Managing Partner in advance before being incurred.

Please provide the following detail in your expense report:

Date: Date the expense occurred

Case Name: Please use the full name. Some cases have more than one job, please be specific as to which job it is. (Example: Seagal General Counsel)

Detail: Please provide the reason the expense occurred. (Example: Court re Motion to Strike) If the expense is for a lunch, please list the name of each person in attendance and what was discussed in the meeting. This is required for IRS purposes as well as the client billing.

Calculation: Please note you can put your mileage and parking on the same line. It is set up to calculate.

For Expenses incurred after January 1, 2010

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

Name: Joshua Dale

Submission Date: 1/10/11

[illegible]

For additional documents - JRDNetworkDocuments.org

2000

JA004216

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST X VISA CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: MRA. Parker CLIENT NO.: 1600  
CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
REQUESTED BY: VP. FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: JetBlue Airline  
ADDRESS: \_\_\_\_\_  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 486.80  
DATE SUBMITTED: 12/9/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_  
NOTES/JUSTIFICATION FOR REQUEST: Airfare for JRD & SAB to  
sacramento for deposition of Stephen Helsley.

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_ Case Managing Attorney  
WORK APPROVED BY: [Signature] Office Manager  
WORK APPROVED BY: \_\_\_\_\_ Senior Partner (approval needed if over  
\$300.00)

jetBlue

You should receive your itinerary by e-mail shortly but you should print it just in case.  
 Congratulations, you're officially a TrueBlue member! Your TrueBlue number is 3902859013. An email confirmation will be sent to you shortly. To manage the flight you just booked and any future flights, simply log in to your TrueBlue account.

**Confirmation #KQRVDI**

Status: Confirmed  
 Book Date: Friday, December 10 2010



Scan this barcode to check in at any JetBlue check-in kiosk

## Your itinerary

### Travelers

Travelers on this flight: Joshua Dale, and Sean Brady  
 Primary contact: Joshua Dale 180 E Ocean Blvd Suite 200 Long Beach, CA 90802

### Flights

| Date       | Departs/<br>Arrives    | Route   | Flight | Travelers                 | Seats    |
|------------|------------------------|---|--------|---------------------------|----------|
| Thu Dec 16 | 7:00 a.m.<br>8:23 a.m. | Long Beach, CA, XLA (LGB) to<br>Sacramento, CA, (SMF) | 262    | Joshua Dale<br>Sean Brady | 5C<br>6B |
| Thu Dec 16 | 7:18 p.m.<br>8:35 p.m. | Sacramento, CA, (SMF) to<br>Long Beach, CA, XLA (LGB) | 265    | Joshua Dale<br>Sean Brady | 5C<br>5B |

Ever More Legroom seat

### Airfare total

|                        |                         |
|------------------------|-------------------------|
| Fare (details)         | \$202.00 x 2 = \$404.00 |
| Seat upgrade           | \$40.00                 |
| Taxes & Fees (details) | \$42.80                 |

Total: **\$486.80**

### Payment

|                 |                 |
|-----------------|-----------------|
| Form of payment | Amount paid     |
| Visa            | \$486.80        |
| Paid today:     | <b>\$486.80</b> |

**Need a car? We offer the JetBlue discount**

- Save 5% or more on all rentals
- No payments till car pick up
- No change/cancel fees



Call 888-866-2566 or log onto [jetblue.com/cars](http://jetblue.com/cars). Use CDP# 170689 to receive the JetBlue discount.

JA004218

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST X VISA CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: NRA. PARKER CLIENT NO.: 11000  
CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
REQUESTED BY: VP FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: Southwest Airlines  
ADDRESS: \_\_\_\_\_

TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 395.40  
DATE SUBMITTED: 12/10/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST: CBM airfare to sacramento  
for deposition of Stephen Helsley.

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_

WORK APPROVED BY: \_\_\_\_\_

WORK APPROVED BY: \_\_\_\_\_

[Signature] Case Managing Attorney  
[Signature] Office Manager

Senior Partner (approval needed if over  
\$300.00)



Thank you for your purchase!

Air Confirmation: X78QZ2

San Diego, CA to Sacramento, CA (12/15/2010 - 12/16/2010)

Air  
Conf # X78QZ2  
Air Total \$395.40

Car  
Choose from 14 different  
rental companies.  
[Browse cars](#)

Hotel  
Shop over 40,000 hotels  
[Browse hotels](#)

Total Paid Now \$395.40

Trip Total \$395.40

Air

Passenger Type Name  
ADULT CLINTON MONFORT

Confirmation Number Rapid Rewards Number  
X78QZ2 00000437647348

ITINERARY

|        |   |       |                                |         |
|--------|---|-------|--------------------------------|---------|
| DEPART | San Diego, CA to Sacramento, CA                                 | 4770  | Depart San Diego, CA (SAN)     | 3:50 PM |
| DEC 15 | Wednesday, December 15, 2010<br>Travel Time 1h 35m<br>(Nonstop) |       | Arrive in Sacramento, CA (SMF) | 5:25 PM |
| RETURN | Sacramento, CA to San Diego, CA                                 | 42731 | Depart Sacramento, CA (SMF)    | 8:05 PM |
| DEC 16 | Thursday, December 16, 2010<br>Travel Time 1h 25m<br>(Nonstop)  |       | Arrive in San Diego, CA (SAN)  | 9:30 PM |

PRICE

| Passenger Type   | Trip   | Routing | Fare Type                  | Base Fare | Govt. Taxes and Fees | Quantity | Total    |
|--|--------|---------|----------------------------|-----------|----------------------|----------|----------|
| Adult  | Depart | SAN-SMF | <del>Business Select</del> | \$173.95  | \$23.75              | 1        | \$197.70 |
| Adult  | Return | SMF-SAN | <del>Business Select</del> | \$173.95  | \$23.75              | 1        | \$197.70 |
| Please read the <a href="#">fare rules</a> associated with this purchase.  |        |         |                            |           |                      |          |          |
| Effective January 28, 2011, unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. |        |         |                            | \$347.90  | \$47.50              | 1        | \$395.40 |

Total \$395.40

Billing

|                |   |
|----------------|---|
| Purchaser Name | Billing Address                                       |
| CD Michel      | STE 200 180 E OCEAN BLVD<br>LONG BEACH, CA 90802-4760 |

Form of Payment

Amount Applied

JA004220

View - XXXXXXXXXXXX-7517

\$395.40

Total Paid Now \$395.40

Trip Total \$395.40



**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_\_ CHECK REQUEST X VISA CREDIT CARD \_\_\_\_ WORK ORDER  
\_\_\_\_ CREDIT MEMO \_\_\_\_ TRANSFER APPROVAL

\_\_\_\_ RUSH

CASE INFORMATION

CLIENT NAME: NPA Parker CLIENT NO.: 1600  
CASE/MATTER: \_\_\_\_\_ CASE NO.: \_\_\_\_\_  
REQUESTED BY: VP FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: Hotels.com  
ADDRESS: 10440 N. Central Expressway, Suite 400 Dallas TX 75231  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 96.17  
DATE SUBMITTED: \_\_\_\_\_ COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST: CBM hotel accommodations  
in Sacramento for Parker deposition of Stephen Helsley.

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_

WORK APPROVED BY: \_\_\_\_\_

WORK APPROVED BY: \_\_\_\_\_

\_\_\_\_\_  
Case Managing Attorney

\_\_\_\_\_  
Office Manager

\_\_\_\_\_  
Senior Partner (approval needed if over \$300.00)

---

## Your Receipt

**Hotels.com Confirmation Number: 53460135**

Booked: Online - December 10, 2010 5:56:43 PM CST

Guest Name: Clinton Monfort  
Billing Address: 180 E. Ocean Blvd.  
Suite 200  
Long Beach, CA  
90802  
US

### Booking Details

Hotel Details: Holiday Inn Express Sacramento Convention Center  
728 16th St  
Sacramento, CA  
95814  
US

Check-in: 12/15/10

Check-out: 12/16/10

Number of Nights: 1

Number of Rooms: 1

Room Type: Standard Room

Sub-total: \$84.00

Taxes & fees: \$12.17

**Total Price: \$96.17**

This receipt was printed on December 10, 2010 5:57:09 PM CST

### Cancellation Policy

We understand that sometimes plans fall through. We do not charge a change or cancel fee. However, this property (Holiday Inn Express Sacramento Convention Center) imposes the following penalty to its customers that we are required to pass on: Cancellations or changes made after 6:00 PM (Pacific Standard Time (US & Canada); Tijuana) on Dec 13, 2010 are subject to a 1 Night Room & Tax penalty. The property makes no refunds for no shows or early checkouts.

Please note that if you make changes in your booking, they could result in charges applicable by policy and availability.

Please see the website for Terms and Conditions:

[http://www.hotels.com/customer\\_care/terms\\_conditions.html?pos=HCOM\\_US&locale=en\\_US](http://www.hotels.com/customer_care/terms_conditions.html?pos=HCOM_US&locale=en_US)

Hotels.com, LP 10440 N. Central Expressway, Suite 400, Dallas, Texas 75231 USA

JA004223

<<MERCHANT COPY>>  
SAN DIEGO CAB

DO NOT WRITE ABOVE THIS LINE

Job: 513 Veh: 383  
VISA Acc: 9536  
INRef: 7033701 <SALE>  
12/16/2010 23:14 GMT-08:00  
Transportation Svcs \$ 18.50  
Extras \$ 0.00  
Tip \$ 0.00  
TOTAL \$18.50

Sign: \_\_\_\_\_  
I agree to pay above total  
amount according to Card Issuer  
Agreement (Merchant Agreement/  
Credit Voucher)

650000001503054

Yellow Cab of San Diego  
Administrative Services SD, LLC

SIGN  
HERE X

|  |                  |       |
|--|------------------|-------|
| EXPIRATION                               | DATE             | TIME  |
| <input checked="" type="checkbox"/> DATE | CAR NO           | ID NO |
| CHECKED                                  | AUTHORIZATION NO |       |
| 500002                                   |                  |       |
| FARE                                     |                  |       |
| TIP                                      |                  |       |
| TOTAL 20.00                              |                  |       |

TAXICAB SERVICES  
CUSTOMER COPY

## PASSENGER'S RECEIPT, TAXI CAB FARE S.I.T.O.A. Airport Taxi

Driver's Phone Number  
(916) 821-3187



24 Hours Dispatch Service  
(916) 444-0008

Driver's Name & Co.  
JAY  
SUPER CAB # 54

Date: 12/15/10  
Fare: 18.50  
Other: \_\_\_\_\_  
Total: 18.50

We appreciate your business and strive to get you to your destination in a timely and professional manner. Our service is also available for return trips to the Airport. If you have any comments or concerns please call: (916) 284-6878 or email us at [sitotaxi@yahoo.com](mailto:sitotaxi@yahoo.com). Thank You!

FROM: AIRPORT TO: HOTEL (SACRAMENTO)

**RIVER CITY CAB CO.**  
3622 Trefethen Way  
Sacramento, CA 95834  
Ph. 916-335-5595

Date: 12-16-10  
Meter Amt \$ 4.00  
Tip \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_

From: 1212 5th St  
To: Airport  
P.U. Time: 12:15 PM  
Drop OFF Time: 12:30 PM  
Driver: JAY  
Charge #: \_\_\_\_\_  
BILLED TO: \_\_\_\_\_  
Cab #: \_\_\_\_\_  
Address: \_\_\_\_\_  
Passenger: \_\_\_\_\_  
Dept. Signature: \_\_\_\_\_

JA004224

**PASSENGER'S RECEIPT, TAXI CAB FARE**  
**S.I.T.O.A. Airport Taxi**

Driver's Phone Number

**(916) 838-6474**



24 Hours Dispatch Service

Driver's Name & Co.

**RICHARD**

**A-1 CAB # 08**

Date : 12 / 16 / 10

Fare : 36.00

Other : tip 4.00

Total : 40.00

We appreciate your business and strive to get you to your destination in a timely and professional manner. Our service is also available for return trips to the Airport. If you have any comments or concerns please call: (916) 284-6878 or email us at [sitoul@yahoo.com](mailto:sitoul@yahoo.com). Thank You!

FROM: \_\_\_\_\_ TO: \_\_\_\_\_

Courtyard by Marriott  
Fresno  
140 East Shaw Avenue  
Fresno, CA 93710  
1-559-221-8000  
Restaurant

Date: Dec14'10 08:52AM  
Card Type: Amex  
Acct #: XXXXXX1002  
Exp Date: XX/XX  
Auth Code: LOCAL AUTH  
Check: 3453  
Table: 7/1  
Server: 7 ALYCE

Subtotal: **23.83**

Gratuity: 4.00

Total: 27.83

Transaction # 008933  
Visa

Amount \$11.47

TOTAL: \$11.47

Signature \_\_\_\_\_

\*\*\*GUEST COPY\*\*\*

*Healy's lunch*

Customer Copy  
Side Bar Date  
Tab: 30003

Magin, L. 12/16/10 12:20

Long Beach Airport  
90808 Long Beach

Ext Lane 2 12/16/10 20:31  
Receipt 016219

Short-term parking tkt  
1 - No. 045868  
12/16/10 05:58 -  
12/16/10 20:31 -  
Period 0d14h34'  
(Ust.) \$17.00

Total \$17.00

Payment Received  
AMEX \$17.00  
XXXXXXXXXX1002  
Merch: 4789307556285  
Auth: 580800  
Type: Swiped

Sub Total \$17.00

All Amounts in USD.  
Deliv. Date=Receipt Date

## **EXHIBIT C**

**BARKLEY**

Court Reporters

barkley.com

File No 50217

Los Angeles CA 90074 0217

Tel 800 222 1231 Fax 310 667 2610

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802

# INVOICE

|  |              |         |
|--|--------------|---------|
| Invoice No.                                      | Invoice Date | Job No. |
| 399404   | 12/6/2010    | 313742  |
| Job Date   | Case No.     |         |
| 12/1/2010  | 10CECG02116  |         |
| Case Name  |              |         |
| Parker, et al vs. The State of California, et al |              |         |
| Payment Terms                                    |              |         |
| COD - Interest @ 1.5%/mo after 30 days           |              |         |

Original/Index transcript of deposition of:  
Blake Graham

This invoice includes an expedite surcharge for \$878.49

2,499.21  
**TOTAL DUE >>> \$2,499.21**

**Tax ID:** 95-3312349

Phone: (562) 216-4444 Fax:

*Please detach bottom portion and return with payment.*

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802

Job No. : 313742 BU ID : BCR - SAC  
Case No. : 10CECG02116  
Case Name : Parker, et al vs. The State of California, et al  
Invoice No. : 399404 Invoice Date : 12/6/2010  
Total Due : \$ 2,499.21

Remit To: **Barkley Court Reporters**  
**File No 50217**  
**Los Angeles CA 90074**

**PAYMENT WITH CREDIT CARD**

Cardholder's Name: \_\_\_\_\_  
Card Number: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
Billing Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
Amount to Charge: \_\_\_\_\_  
Cardholder's Signature: \_\_\_\_\_

JA004227



File No 50217  
Los Angeles, CA 90074-0217  
Tel 800.222.1231 Fax 310.867.2610  
barkley.com

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802

# INVOICE

| Invoice No.                                      | Invoice Date | Job No. |
|--|--------------|---------|
| 399488   | 12/6/2010    | 313810  |
| Job Date   | Case No.     |         |
| 12/2/2010  | 10CECG02116  |         |
| Case Name  |              |         |
| Parker, et al vs. The State of California, et al |              |         |
| Payment Terms                                    |              |         |
| COD - Interest @ 1.5%/mo after 30 days           |              |         |

Original/Index transcript of deposition of:  
Blake Graham, Vol. II

This invoice includes an expedite surcharge for \$622.80

1,895.92  
**TOTAL DUE >>>** **\$1,895.92**

Tax ID: 95-3312349

Phone: 562) 216-4444 Fax:

Please detach bottom portion and return with payment.

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802

Job No. : 313810 BU ID : .BCR - SAC  
Case No. : 10CECG02116  
Case Name : Parker, et al vs. The State of California, et al  
Invoice No. : 399488 Invoice Date : 12/6/2010  
Total Due : \$ 1,895.92

Remit To: **Barkley Court Reporters**  
**File No 50217**  
**Los Angeles CA 90074**

## PAYMENT WITH CREDIT CARD



Cardholder's Name: \_\_\_\_\_  
Card Number: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
Billing Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
Amount to Charge: \_\_\_\_\_

9

JA004228

**BARKLEY**Court Reporters  
barkley.comFile No 50217  
Los Angeles, CA 90074-0217  
Tel 800.222.1231 Fax 310.867.2610

# INVOICE

| Invoice No.                                      | Invoice Date | Job No. |
|--|--------------|---------|
| 400177   | 12/20/2010   | 314205  |
| Job Date   | Case No.     |         |
| 12/16/2010                                       | 10CECG02116  |         |
| Case Name  |              |         |
| Parker, et al vs. The State of California, et al |              |         |
| Payment Terms                                    |              |         |
| COD - Interest @ 1.5%/mo after 30 days           |              |         |

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 908021 Certified Copy/Index transcript of deposition of:  
Stephen Helsley1,258.53  
TOTAL DUE >>> \$1,258.53

Tax ID: 95-3312349

Phone: 562) 216-4444 Fax:

Please detach bottom portion and return with payment.

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802Job No. : 314205 BU ID : BCR - SAC  
Case No. : 10CECG02116  
Case Name : Parker, et al vs. The State of California, et al  
Invoice No. : 400177 Invoice Date : 12/20/2010  
Total Due : \$ 1,258.53Remit To: **Barkley Court Reporters**  
File No 50217  
Los Angeles CA 90074

| PAYMENT WITH CREDIT CARD |                     | AMEX | MasterCard | VISA |
|--------------------------|---------------------|------|------------|------|
| Cardholder's Name:       |                     |      |            |      |
| Card Number:             |                     |      |            |      |
| Exp. Date:               | Phone#:             |      |            |      |
| Billing Address:         |                     |      |            |      |
| Zip:                     | Card Security Code: |      |            |      |
| Amount to Charge:        |                     |      |            |      |
| Cardholder's Signature:  |                     | 16   |            |      |

JA004229



Kim Thayer & Associates  
 225 W. Shaw Avenue, Suite #101  
 Fresno, CA 93704  
 Phone: 559-221-9000 Fax: 559-221-9090

Joshua R. Dale, Esq.  
 Michel & Associates  
 180 E. Ocean Blvd.  
 Suite 200  
 Long Beach, CA 90802

# INVOICE

|                                |              |         |
|--------------------------------|--------------|---------|
| Invoice No.                    | Invoice Date | Job No. |
| 102329                         | 12/20/2010   | 46271   |
| Job Date                       | Case No.     |         |
| 12/13/2010                     |              |         |
| Case Name                      |              |         |
| Parker vs. State of California |              |         |
| Payment Terms                  |              |         |
| Due upon receipt               |              |         |

**I CERTIFIED COPY OF TRANSCRIPT OF:**

Steven Stonecipher

Exhibit

CD LITIGATION PACKAGE

DELIVERY/SHIPPING CHARGE

|             |   |       |        |
|-------------|---|-------|--------|
| 80.00 Pages | @ | 1.55  | 124.00 |
| 67.00 Pages | @ | 0.35  | 23.45  |
|             |   | 20.00 | 20.00  |
|             |   | 7.00  | 7.00   |

**TOTAL DUE >>> \$174.45**

Thank you.

Condensed transcript and word index provided at no charge.

Please reference invoice number(s) on your check.

We now accept payment via MasterCard, Visa, AmEx & Discover.

**Tax ID:** 20-5056694

*Please detach bottom portion and return with payment.*

Joshua R. Dale, Esq.  
 Michel & Associates  
 180 E. Ocean Blvd.  
 Suite 200  
 Long Beach, CA 90802

Invoice No. : 102329  
 Invoice Date : 12/20/2010  
 Total Due : \$ 174.45

Remit To: **Kim Thayer & Associates**  
**225 W. Shaw Avenue, Suite #101**  
**Fresno, CA 93704**

Job No. : 46271  
 BU ID : 1-MAIN  
 Case No. :  
 Case Name : Parker vs. State of California

17

JA004230



File No. 50217  
Los Angeles, CA 90074-0217  
Tel 800 222 1231 - Fax 310.867.2610

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802

# INVOICE

|  |                     |                |
|--|---------------------|----------------|
| <b>Invoice No.</b>                               | <b>Invoice Date</b> | <b>Job No.</b> |
| 400386   | 12/23/2010          | 314651         |
| <b>Job Date</b>                                  | <b>Case No.</b>     |                |
| 12/21/2010                                       | 10CECG02116         |                |
| <b>Case Name</b>                                 |                     |                |
| Parker, et al vs. The State of California, et al |                     |                |
| <b>Payment Terms</b>                             |                     |                |
| COD - Interest @ 1.5%/mo after 30 days           |                     |                |

1 Certified Copy/Index transcript of deposition of:  
Clay Parker

372.66

**TOTAL DUE >>> \$372.66**

Tax ID: 95-3312349

Phone: 562) 216-4444 Fax:

*Please detach bottom portion and return with payment.*

Clint Monfort, Esq.  
Michel & Associates  
180 E. Ocean Blvd.  
Suite 200  
Long Beach CA 90802

Job No. : 314651 BU ID : .BCR - SAC  
Case No. : 10CECG02116  
Case Name : Parker, et al vs. The State of California, et al  
Invoice No. : 400386 Invoice Date : 12/23/2010  
Total Due : \$ 372.66

Remit To: Barkley Court Reporters  
File No 50217  
Los Angeles CA 90074

## PAYMENT WITH CREDIT CARD



Cardholder's Name: \_\_\_\_\_  
Card Number: \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ Phone#: \_\_\_\_\_  
Billing Address: \_\_\_\_\_  
Zip: \_\_\_\_\_ Card Security Code: \_\_\_\_\_  
Amount to Charge: \_\_\_\_\_  
Cardholder's Signature: \_\_\_\_\_

26

JA004231

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

☒ RUSH

☒ CHECK REQUEST ☐ CREDIT CARD ☐ WORK ORDER  
☐ CREDIT MEMO ☐ TRANSFER APPROVAL

**CASE INFORMATION**

CLIENT NAME: NRA CLIENT NO.: \_\_\_\_\_  
CASE/MATTER: NRA Parker v. State CASE NO.: 10CECG02116  
REQUESTED BY: Claudia FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

**PROJECT INFORMATION**

VENDOR/PAYABLE TO: Kim Thayer and Associates  
ADDRESS: 225 West Shaw Ave. Fresno, CA 93704  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 321.95  
DATE SUBMITTED: 12/29/10 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: 12/29/10 DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST:

MICHEL & ASSOCIATES, P.C.

Kim Thayer and Associates  
Client Advance: Attorney Service

Kim Thayer and Associates: Fee for Barry Bawer De

12/29/2010

006007

321.95

Checking WF - 7133

321.95

28

JA004232

## **EXHIBIT D**



**Attorney's Diversified Services**  
 www.attorneysdiversified.com  
 IRS NO. 20-0709641

**RUSH!**

# INVOICE

**ATTORNEY'S DIVERSIFIED SERVICES**  
 1424 21st Street  
 Sacramento, CA 95811  
 (916) 441-4396 FAX: (916) 443-1162

Customer Date Invoice  
 5622164444 09/09/10 OS371958-01

**Ship To:**

MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO COUNTY SUPERIOR COURT  
 Depo Date:  
 Case #: 10CECG02116  
 Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIF. ET AL

**VITAL INFORMATION**

SERVEE: THE STATE OF CALIFORNIA  
 ADDRESS: 1300 I ST., STE 125  
 SACRAMENTO, CA 94244-  
 FIRM'S FILE NUMBER: PARKER V. THE STATE OF  
 CLAIM NUMBER:  
 POLICY ID NUMBER:  
 INSURED:  
 DATE OF LOSS:

| Description     | Units | Rate  | Amount | Tax |
|-----------------|-------|-------|--------|-----|
| Service Fee A   | 1     | 55.50 | 55.50  | N   |
| Rush Handling A | 1     | 35.00 | 35.00  | N   |
| 458 Pages       | 458   | 0.25  | 114.50 | Y   |
| Tabs            | 58    | 0.50  | 29.00  | Y   |
| Fuel Surcharge  | 1     | 1.50  | 1.50   | N   |

Regarding: THE STATE OF CALIFORNIA at 1300 I ST., STE 125, SACRAMENTO CA 942442550. DOCUMENTS: SEE LIST OF DOCUMENTS ATTACHED AS EXHIBIT "A";

SUBTOTAL \$ 235.50  
 SALES TAX \$ 13.99

**REMARKS:**

**TOTAL DUE \$ 249.49**

**Bill to:** MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Customer Date Invoice  
 5622164444 09/09/10 OS371958-01

**TOTAL DUE \$ 249.49**  
**PAYMENT DUE DATE: 09/19/10**

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812

916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

To pay by credit card, mail, fax or call (916) 441-4396

CARD NUMBER: \_\_\_\_\_

NAME ON CARD: \_\_\_\_\_

TYPE OF CARD: VISA MASTERCARD AMERICAN EXPRESS  
 (CIRCLE ONE)

EXPIRATION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

TERMS: 10 DAYS NET OF INVOICE DATE - ACCOUNTS OVER 30 DAYS WILL BE SUBJECT TO 3.0% MONTHLY INTEREST - IN THE EVENT OF DEFAULT. COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ASSESSED

JA004234



**Attorney's Diversified Services**  
 www.attorneysdiversified.com  
 IRS NO. 20-0709641

**RUSH!**

# INVOICE

**ATTORNEY'S DIVERSIFIED SERVICES**  
 1424 21st Street  
 Sacramento, CA 95811  
 (916) 441-4396 FAX: (916) 443-1162

Customer Date Invoice  
 5622164444 09/09/10 0S371958-03

**Ship To:**

MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO COUNTY SUPERIOR COURT  
 Depo Date:  
 Case #: 10CECG02116  
 Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIF. ET AL

**VITAL INFORMATION**

SERVEE: JERRY BROWN, IN HIS OFI  
 ADDRESS: 1300 I ST., STE 125  
 SACRAMENTO, CA 94244  
 FIRM'S FILE NUMBER: PARKER V. THE STATE OF  
 CLAIM NUMBER:  
 POLICY ID NUMBER:  
 INSURED:  
 DATE OF LOSS:

| Description   | Units | Rate  | Amount | Tax |
|---------------|-------|-------|--------|-----|
| Service Fee A | 1     | 27.75 | 27.75  | N   |
| 458 Pages     | 458   | 0.25  | 114.50 | Y   |
| Tabs          | 58    | 0.50  | 29.00  | Y   |

Regarding: JERRY BROWN, IN HIS OFFICIAL CAPACITY AS ATTORNEY at 1300 I ST., STE 125, SACRAMENTO CA 942442550. DOCUMENTS: SEE LIST OF DOCUMENTS ATTACHED AS EXHIBIT "A";

SUBTOTAL \$ 171.25  
 SALES TAX \$ 13.99

**REMARKS:**

**TOTAL DUE \$ 185.24**

**Bill to:** MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

| Customer   | Date     | Invoice     |
|------------|----------|-------------|
| 5622164444 | 09/09/10 | 0S371958-03 |

**TOTAL DUE \$ 185.24**  
**PAYMENT DUE DATE: 09/19/10**

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812

916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

To pay by credit card, mail, fax or call (916) 441-4396

CARD NUMBER: \_\_\_\_\_

NAME ON CARD: \_\_\_\_\_

TYPE OF CARD: VISA MASTERCARD AMERICAN EXPRESS  
 (CIRCLE ONE)

EXPIRATION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

TERMS: 10 DAYS NET OF INVOICE DATE - ACCOUNTS OVER 30 DAYS WILL BE SUBJECT TO 3.0% MONTHLY INTEREST - IN THE EVENT OF DEFAULT COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ADDED

JA004235



**Attorney's Diversified Services**  
 www.attorneysdiversified.com  
 IRS NO. 20-0709641

**RUSH!**

# INVOICE

**ATTORNEY'S DIVERSIFIED SERVICES**  
 1424 21st Street  
 Sacramento, CA 95811  
 (916) 441-4396 FAX: (916) 443-1162

Customer Date Invoice  
 5622164444 09/09/10 0S371958-02

**Ship To:**

MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO COUNTY SUPERIOR COURT  
 Depo Date:  
 Case #: 10CECG02116  
 Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIF. ET AL

**VITAL INFORMATION**

SERVEE: THE CALIFORNIA DEPTM  
 ADDRESS: 1300 I ST., STE 125  
 SACRAMENTO, CA 94244-;  
 FIRM'S FILE NUMBER: PARKER V. THE STATE OF ( CLAIM NUMBER:  
 POLICY ID NUMBER:  
 INSURED:  
 DATE OF LOSS:

| Description   | Units | Rate  | Amount | Tax |
|---------------|-------|-------|--------|-----|
| Service Fee A | 1     | 27.75 | 27.75  | N   |
| 458 Pages     | 458   | 0.25  | 114.50 | Y   |
| Tabs          | 58    | 0.50  | 29.00  | Y   |

Regarding: THE CALIFORNIA DEPARTMENT OF JUSTICE at 1300 I ST., STE 125,  
 SACRAMENTO CA 942442550. DOCUMENTS: SEE LIST OF DOCUMENTS ATTACHED AS  
 EXHIBIT "A";

SUBTOTAL \$ 171.25  
 SALES TAX \$ 13.99

**REMARKS:**

**TOTAL DUE \$ 185.24**

**Bill to:** MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Customer Date Invoice  
 5622164444 09/09/10 0S371958-02

**TOTAL DUE \$ 185.24**  
**PAYMENT DUE DATE: 09/19/10**

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812

916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

To pay by credit card, mail, fax or call (916) 441-4396

CARD NUMBER: \_\_\_\_\_

NAME ON CARD: \_\_\_\_\_

TYPE OF CARD: VISA MASTERCARD AMERICAN EXPRESS  
 (CIRCLE ONE)

EXPIRATION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

TERMS: 10 DAYS NET OF INVOICE DATE - ACCOUNTS OVER 30 DAYS WILL BE SUBJECT TO 3.0% MONTHLY  
 INTEREST - IN THE EVENT OF DEFAULT COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ADDED

JA004236

# **EXHIBIT E**





**Attorney's Diversified Services**  
 www.attorneysdiversified.com  
 IRS NO. 20-0709641

**RUSH!**

**INVOICE**  
 ATTORNEY'S DIVERSIFIED SERVICES

1424 21st Street  
 Sacramento, CA 95811  
 (916) 441-4396 FAX: (916) 443-1162

Customer Date Invoice  
 5622164444 06/18/10 0S370485-01

**Ship To:**

MICHEL & ASSOCIATES, P.C.  
 ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.  
 ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802  
 Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO SUPERIOR COURT  
 Depo Date:  
 Case #: 10CECG02116  
 Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIFORNIA E

**VITAL INFORMATION**

SERVEE: THE STATE OF CALIFORNIA  
 ADDRESS: 1300 I STREET  
 SACRAMENTO, CA 95814-  
 FIRM'S FILE NUMBER: SHERIFF PARKER V STATE  
 CLAIM NUMBER:  
 POLICY ID NUMBER:  
 INSURED:  
 DATE OF LOSS:

| Description     | Units | Rate  | Amount | Tax |
|-----------------|-------|-------|--------|-----|
| Service Fee A   | 1     | 55.50 | 55.50  | N   |
| Rush Handling A | 1     | 35.00 | 35.00  | N   |
| Fuel Surcharge  | 1     | 1.50  | 1.50   | N   |

SUMMONS AND COMPLAINT, ALTERNATIVE DISPUTE RESOLUTION (ADR) PACKAGE, CIVIL CASE COVER SHEET,  
 Regarding: THE STATE OF CALIFORNIA at 1300 I STREET, SACRAMENTO CA 958142919.  
 DOCUMENTS: NOTICE OF CASE MANAGEMENT CONFERENCE AND ASSIGNMENT OF  
 JUDGE FOR ALL PURPOSES;

**SUBTOTAL** \$ 92.00

**REMARKS:**

**TOTAL DUE** \$ **92.00**

**Bill to:** MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Customer Date Invoice  
 5622164444 06/18/10 0S370485-01

**TOTAL DUE** \$ **92.00**  
**PAYMENT DUE DATE:** 06/28/10

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812

916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

To pay by credit card, mail, fax or call (916) 441-4396

CARD NUMBER: \_\_\_\_\_

NAME ON CARD: \_\_\_\_\_

TYPE OF CARD: VISA MASTERCARD AMERICAN EXPRESS  
 (CIRCLE ONE)

EXPIRATION DATE: \_\_\_\_/\_\_\_\_

TERMS: 10 DAYS NET OF INVOICE DATE - ACCOUNTS OVER 30 DAYS WILL BE SUBJECT TO 3.0% MONTHLY  
 INTEREST - IN THE EVENT OF DEFAULT COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ADDED

JA004238



**Attorney's Diversified Services**  
**www.attorneysdiversified.com**  
 IRS NO. 20-0709641

**RUSH!**

# INVOICE

**ATTORNEY'S DIVERSIFIED SERVICES**  
 1424 21st Street  
 Sacramento, CA 95811  
 (916) 441-4396 FAX: (916) 443-1162

Customer Date Invoice  
 5622164444 06/18/10 OS370485-03

**Ship To:**

MICHEL & ASSOCIATES, P.C.  
 ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.  
 ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802  
 Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO SUPERIOR COURT  
 Depo Date:  
 Case #: 10CECG02116  
 Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIFORNIA E

**VITAL INFORMATION**

SERVEE: THE CALIFORNIA DEPTM  
 ADDRESS: 1300 I STREET  
 SACRAMENTO, CA 95814-1  
 FIRM'S FILE NUMBER: SHERIFF PARKER V STATE  
 CLAIM NUMBER:  
 POLICY ID NUMBER:  
 INSURED:  
 DATE OF LOSS:

| Description    | Units | Rate  | Amount | Tax |
|----------------|-------|-------|--------|-----|
| Service Fee A  | 1     | 27.75 | 27.75  | N   |
| Prep & Mailing | 1     | 5.95  | 5.95   | Y   |

SUMMONS AND COMPLAINT, ALTERNATIVE DISPUTE RESOLUTION (ADR) PACKAGE, CIVIL CASE COVER SHEET,  
 Regarding: THE CALIFORNIA DEPARTMENT OF JUSTICE at 1300 I STREET, SACRAMENTO  
 CA 958142919. DOCUMENTS: NOTICE OF CASE MANAGEMENT CONFERENCE AND  
 ASSIGNMENT OF JUDGE FOR ALL PURPOSES:

SUBTOTAL \$ 33.70  
 SALES TAX \$ 0.58

**REMARKS:**

**TOTAL DUE \$ 34.28**

**Bill to:** MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Customer Date Invoice  
 5622164444 06/18/10 OS370485-03

**TOTAL DUE \$ 34.28**  
**PAYMENT DUE DATE: 06/28/10**

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812

916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

To pay by credit card, mail, fax or call (916) 441-4396

CARD NUMBER: \_\_\_\_\_

NAME ON CARD: \_\_\_\_\_

TYPE OF CARD: VISA MASTERCARD AMERICAN EXPRESS  
(CIRCLE ONE)

EXPIRATION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

TERMS: 10 DAYS NET OF INVOICE DATE - ACCOUNTS OVER 30 DAYS WILL BE SUBJECT TO 3.0% MONTHLY  
 INTEREST - IN THE EVENT OF DEFAULT. COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ASSESSED

JA004239



**Attorney's Diversified Services**  
 www.attorneysdiversified.com  
 IRS NO. 20-0709641

**RUSH!**

# INVOICE

**ATTORNEY'S DIVERSIFIED SERVICES**  
 1424 21st Street  
 Sacramento, CA 95811  
 (916) 441-4396 FAX: (916) 443-1162

Customer Date Invoice  
 5622164444 06/18/10 OS370485-02

**Ship To:**

MICHEL & ASSOCIATES, P.C.  
 ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Phone: (562) 216-4444 Client Type: 01  
 Fax: (562) 216-4445

**Ordered By:**

MICHEL & ASSOCIATES, P.C.  
 ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802  
 Phone: (562) 216-4444 Client Type: 01

**CASE INFORMATION**

Court: FRESNO SUPERIOR COURT  
 Depo Date:  
 Case #: 10CECG02116  
 Case Name: SHERIFF CLAY PARKER, ET AL  
 vs THE STATE OF CALIFORNIA E

**VITAL INFORMATION**

SERVEE: JERRY BROWN, IN HIS OFF  
 ADDRESS: 1300 I STREET  
 SACRAMENTO, CA 95814-  
 FIRM'S FILE NUMBER: SHERIFF PARKER V STATE  
 CLAIM NUMBER:  
 POLICY ID NUMBER:  
 INSURED:  
 DATE OF LOSS:

| Description    | Units | Rate  | Amount | Tax |
|----------------|-------|-------|--------|-----|
| Service Fee A  | 1     | 27.75 | 27.75  | N   |
| Prep & Mailing | 1     | 5.95  | 5.95   | Y   |

SUMMONS AND COMPLAINT, ALTERNATIVE DISPUTE RESOLUTION (ADRI) PACKAGE, CIVIL CASE COVER SHEET,  
 Regarding: JERRY BROWN, IN HIS OFFICIAL CAPACITY AS ATTORNEY at 1300 I STREET,  
 SACRAMENTO CA 958142919. DOCUMENTS: NOTICE OF CASE MANAGEMENT  
 CONFERENCE AND ASSIGNMENT OF JUDGE FOR ALL PURPOSES;

SUBTOTAL \$ 33.70  
 SALES TAX \$ 0.58

**REMARKS:**

**TOTAL DUE \$ 34.28**

**Bill to:** MICHEL & ASSOCIATES, P.C.

ATTN: VALERIE POMELLA  
 180 E. OCEAN BLVD., SUITE 200  
 LONG BEACH, CA 90802

Customer Date Invoice  
 5622164444 06/18/10 OS370485-02

**TOTAL DUE \$ 34.28**  
**PAYMENT DUE DATE: 06/28/10**

**Remit Payment to:**

Attorney's Diversified Services  
 PO Box 2799  
 Sacramento, CA 95812

916 441-4396 FAX 916 443-1162.  
 IRS NO. 20-0709641

To pay by credit card, mail, fax or call (916) 441-4396

CARD NUMBER: \_\_\_\_\_

NAME ON CARD: \_\_\_\_\_

TYPE OF CARD: VISA MASTERCARD AMERICAN EXPRESS  
 (CIRCLE ONE)

EXPIRATION DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

TERMS: 10 DAYS NET OF INVOICE DATE - ACCOUNTS OVER 30 DAYS WILL BE SUBJECT TO 3.0% MONTHLY  
 INTEREST - IN THE EVENT OF DEFAULT COLLECTION FEES AND/OR ATTORNEY FEES WILL BE ASSESSED

JA004240

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## **EXHIBIT F**

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

☒ CHECK REQUEST ☒ CREDIT CARD ☐ WORK ORDER  
☐ CREDIT MEMO ☐ TRANSFER APPROVAL

\_\_\_ RUSH

CASE INFORMATION

CLIENT NAME: NRA CLIENT NO.: \_\_\_\_\_  
CASE/MATTER: Parker v. CA CASE NO.: \_\_\_\_\_  
REQUESTED BY: C.S. FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: Marriott  
ADDRESS: \_\_\_\_\_  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 170.95  
DATE SUBMITTED: 1/20/11 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST:

Hotel stay for CDM re HSTJ hearing on 1/18/11

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_ Case Managing Attorney  
WORK APPROVED BY: \_\_\_\_\_ Office Manager  
WORK APPROVED BY: \_\_\_\_\_ Senior Partner (approval needed if over \$300.00)

Christina Sanchez

From: Thanks for staying! [efolio@courtyard.com]  
Sent: Thursday, January 20, 2011 1:53 AM  
To: Christina Sanchez  
Subject: Your Jan 17, 2011 - Jan 18, 2011 stay at the Courtyard Fresno

Thank you for choosing the Courtyard Fresno for your recent stay.

As requested, below is a billing summary or adjustment for your stay. **If you have questions about your bill**, please contact the hotel directly at (559) 221-6000.

Make another reservation on Marriott.com >>

#### Summary of Your Stay

**Hotel:** Courtyard Fresno  
140 East Shaw Avenue  
Fresno, California 93710  
USA  
(559) 221-6000

**Guest:** CD/MR MICHEL  
MICHEL & ASSOCIATES PC  
180 E. OCEAN BLVD.  
LONG BEACH, CA 90802  
USA

**Dates of stay:** Jan 17, 2011 - Jan 18, 2011  
**Guest number:** 99838  
**Rewards number:** None

**Room number:** 201  
**Group number:**

| Date     | Description                                    | Reference | Charges | Credits |
|----------|--|-----------|---------|---------|
| 01/17/11 | ROOM CHARGE                                    | RB201     | 149.00  |         |
| 01/17/11 | City Tax                                       | T3201     | 17.88   |         |
| 01/17/11 | Local Bid Fee                                  | T5201     | 1.49    |         |
| 01/17/11 | Calif/Local Tourism Fee                        | TW201     | 0.08    |         |
| 01/18/11 | Bottled Water                                  | BW201     | 2.50    |         |
| 01/18/11 | Payment - American Express<br>XXXXXXXXXXXX3003 | AX14:56PM |         | 170.95  |

**Total balance** 0.00 USD

Was that the best night's sleep you've ever had? How about a repeat performance at your place!

#### Important Information

##### Do Not Reply to this Email

This email is an auto-generated message. Replies to automated messages are not monitored. If

you have any questions please contact the hotel directly at (559) 221-6000.

**Why Have I Received this Email?**

You have received this email because you requested during your stay to receive an electronic version of your bill by email.

**Availability**

Electronic versions of your hotel bill, available by email from our over 2,300 participating properties in the Marriott family of hotels in the USA and Canada, are emailed to you within 72 hours of check-out. These email messages reflect changes made to your bill up to 11pm on your day of departure. Any adjustments after that time may not be shown.

If you have received this email in error, please notify us.

Learn more about eFolio, receiving your hotel bills by email.

**Authenticity of Bills**

Marriott retains official records of all charges and credits to your account and will honor only those records.

**Privacy**

Your privacy is important to Marriott. For full details of our privacy policy, please visit our Internet Privacy Statement.

**Credit of Rewards Points**

After a stay, it may take up to 7 days for Rewards points to be credited to your account.

Terms of Use: Internet Privacy Statement(c)1996-2009 Marriott International, Inc. All rights reserved. Marriott proprietary information.

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST X CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: NRA CLIENT NO.: \_\_\_\_\_  
CASE/MATTER: Parker v. CA CASE NO.: \_\_\_\_\_  
REQUESTED BY: CS FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: MARRIOTT  
ADDRESS: \_\_\_\_\_  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ 188.75  
DATE SUBMITTED: 1/20/11 COST ESTIMATE: \$ \_\_\_\_\_  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST:

10k1 stay for CBM PC MSJ hearing on 1/18/11

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_ Case Managing Attorney  
WORK APPROVED BY: \_\_\_\_\_ Office Manager  
WORK APPROVED BY: \_\_\_\_\_ Senior Partner (approval needed if over \$300.00)

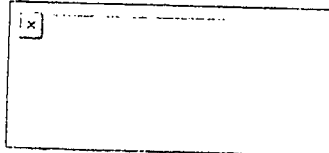


## Christina Sanchez

From: Thanks for staying! [efolio@courtyard.com]  
Sent: Thursday, January 20, 2011 1:53 AM  
To: Christina Sanchez  
Subject: Your Jan 17, 2011 - Jan 18, 2011 stay at the Courtyard Fresno

Thank you for choosing the Courtyard Fresno for your recent stay.

As requested, below is a billing summary or adjustment for your stay. **If you have questions about your bill**, please contact the hotel directly at (559) 221-6000.



Make another reservation on Marriott.com >>

### Summary of Your Stay

**Hotel:** Courtyard Fresno  
140 East Shaw Avenue  
Fresno, California 93710  
USA  
(559) 221-6000

**Guest:** CD/MR MICHEL  
MICHEL & ASSOCIATES PC  
180 E. OCEAN BLVD.  
LONG BEACH, CA 90802  
USA

**Dates of stay:** Jan 17, 2011 - Jan 18, 2011  
**Guest number:** 99840  
**Rewards number:** None

**Room number:** 227  
**Group number:**

| Date     | Description                                    | Reference | Charges | Credits |
|----------|--|-----------|---------|---------|
| 01/17/11 | ROOM CHARGE                                    | RB227     | 149.00  |         |
| 01/17/11 | City Tax                                       | T3227     | 17.88   |         |
| 01/17/11 | Local Bid Fee                                  | T5227     | 1.49    |         |
| 01/17/11 | Calif/Local Tourism Fee                        | TW227     | 0.08    |         |
| 01/18/11 | Restaurant Room Charge                         | FD3954    | 20.30   |         |
| 01/18/11 | Payment - American Express<br>XXXXXXXXXXXX3003 | AX12:41PM |         | 188.75  |

**Total balance**

**0.00 USD**

Was that the best night's sleep you've ever had? How about a repeat performance at your place!



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**Availability**

Electronic versions of your hotel bill, available by email from our over 2,300 participating properties in the Marriott family of hotels in the USA and Canada, are emailed to you within 72 hours of check-out. These email messages reflect changes made to your bill up to 11pm on your day of departure. Any adjustments after that time may not be shown.

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**Credit of Rewards Points**

After a stay, it may take up to 7 days for Rewards points to be credited to your account.

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**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law

\_\_\_ RUSH

\_\_\_ CHECK REQUEST X CREDIT CARD \_\_\_ WORK ORDER  
\_\_\_ CREDIT MEMO \_\_\_ TRANSFER APPROVAL

CASE INFORMATION

CLIENT NAME: NRA CLIENT NO.: \_\_\_\_\_  
CASE/MATTER: Parker v. CA CASE NO.: \_\_\_\_\_  
REQUESTED BY: CS FEE BASIS: ☐ Flat ☐ Hourly ☐ Contingency  
☐ Fee Recovery ☐ Insurance Coverage

Will the client pay this cost directly? \_\_\_\_\_  
Is there a client fee liability agreement in place? \_\_\_\_\_  
If M&A advances this cost, is this cost client reimbursable? \_\_\_\_\_  
Has insurance carrier approved this expense? ☐ Yes ☐ No ☐ N/A - No coverage

PROJECT INFORMATION

VENDOR/PAYABLE TO: Mariotti  
ADDRESS: \_\_\_\_\_  
TAX ID# OF VENDOR: \_\_\_\_\_ AMOUNT: \$ \_\_\_\_\_  
DATE SUBMITTED: 1/20/11 COST ESTIMATE: \$ 108.45  
DATE REQUIRED: \_\_\_\_\_ DATE RECORDED: \_\_\_\_\_  
DATE OF SERVICE: \_\_\_\_\_ COPIED FOR BILLING: \_\_\_\_\_

NOTES/JUSTIFICATION FOR REQUEST:

Hotel stay for SAB re MSJ on 1/18/11

Basis for selecting this vendor: ☐ Lowest bidder ☐ Number of bids received  
Other: \_\_\_\_\_

SPECIAL INSTRUCTIONS: \_\_\_\_\_

APPROVAL

WORK APPROVED BY: \_\_\_\_\_ Case Managing Attorney  
WORK APPROVED BY: \_\_\_\_\_ Office Manager  
WORK APPROVED BY: \_\_\_\_\_ Senior Partner (approval needed if over  
\$300.00)

## Christina Sanchez

From: Thanks for staying! [efolio@courtyard.com]  
Sent: Thursday, January 20, 2011 1:53 AM  
To: Christina Sanchez  
Subject: Your Jan 17, 2011 - Jan 18, 2011 stay at the Courtyard Fresno

Thank you for choosing the Courtyard Fresno for your recent stay.

As requested, below is a billing summary or adjustment for your stay. **If you have questions about your bill**, please contact the hotel directly at (559) 221-6000.

Make another reservation on Marriott.com >>

### Summary of Your Stay

**Hotel:** Courtyard Fresno  
140 East Shaw Avenue  
Fresno, California 93710  
USA  
(559) 221-6000

**Guest:** CD/MR MICHEL  
MICHEL & ASSOCIATES PC  
180 E. OCEAN BLVD.  
LONG BEACH, CA 90802  
USA

**Dates of stay:** Jan 17, 2011 - Jan 18, 2011  
**Guest number:** 99839  
**Rewards number:** None

**Room number:** 211  
**Group number:**

| Date     | Description                                    | Reference | Charges | Credits |
|----------|--|-----------|---------|---------|
| 01/17/11 | ROOM CHARGE                                    | RB211     | 149.00  |         |
| 01/17/11 | City Tax                                       | T3211     | 17.88   |         |
| 01/17/11 | Local Bid Fee                                  | T5211     | 1.49    |         |
| 01/17/11 | Calif/Local Tourism Fee                        | TW211     | 0.08    |         |
| 01/18/11 | Payment - American Express<br>XXXXXXXXXXXX3003 | AX12:41PM |         | 168.45  |

**Total balance**

**0.00 USD**

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## For Expenses incurred after January 1, 2011

Name: C. Michel

Submission Date: 01/28/11

EMPLOYEE SIGNATURE:

Code related expenses over \$200.00 must be approved by the Case Manager and/or Managing Partner in advance before being incurred. Please provide the following detail in the comments section:

Please provide the following detail in your expense report

Date. Date the expense occurred

**Last Name:** Please use the IS nickname. Some cases have more than one job, please be specific as to which job it is. (Example: Seagal General Counsel)  
**Detail:** Please provide the reason the expense occurred. (Example: Court in Motion to Strike) if the expense is for a lunch, please, let the client bill for "IS purposes as well as the client's billing."

Calculation: Please note you can put your mileage and parking on the same line. It is set up to calculate this.

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF FRESNO

4 I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am  
5 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.

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

7 **PLAINTIFFS' NOTICE OF LODGING OF EXHIBITS A- F TO C. D. MICHEL'S**  
8 **DECLARATION IN OPPOSITION TO DEFENDANTS' MOTION TO TAX COSTS**

9 on the interested parties in this action by placing

10 ☐ the original

11 ☒ a true and correct copy

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

13 Kamala D. Harris  
14 Attorney General of California  
15 Zackery P. Morazzini  
16 Supervising Deputy Attorney General  
17 Peter A. Krause  
18 Deputy Attorney General  
19 1300 I Street, Suite 125  
20 Sacramento, CA 94244-2550

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

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

28 — (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.

21 X (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of  
22 collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the  
23 practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt  
24 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.

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

27 CLAUDIA AYALA

COPY

1 KAMALA D. HARRIS  
 2 Attorney General of California  
 3 ZACKERY P. MORAZZINI  
 4 Supervising Deputy Attorney General  
 5 PETER A. KRAUSE  
 6 Deputy Attorney General  
 7 State Bar No. 185098  
 8 1300 I Street, Suite 125  
 9 P.O. Box 944255  
 10 Sacramento, CA 94244-2550  
 11 Telephone: (916) 324-5328  
 12 Fax: (916) 324-8835  
 13 E-mail: Peter.Krause@doj.ca.gov  
 14 Attorneys for Defendants and Respondents  
 15 State of California, Kamala D. Harris, and the  
 16 California Department of Justice

Exempt from fees pursuant to  
 Government Code § 6103

FILED  
 APR 26 2011

FRESNO COUNTY SUPERIOR COURT  
 By \_\_\_\_\_  
 SXG-DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO

SHERIFF CLAY PARKER, et al.

Plaintiffs and Petitioners,

v.

THE STATE OF CALIFORNIA;  
 KAMALA D. HARRIS, IN HER  
 OFFICIAL CAPACITY AS ATTORNEY  
 GENERAL FOR THE STATE OF  
 CALIFORNIA; THE CALIFORNIA  
 DEPARTMENT OF JUSTICE, AND DOES  
 1-25,

Defendants and Respondents.

Case No. 10CECG02116

(1) REPLY MEMORANDUM OF POINTS  
 AND AUTHORITIES IN SUPPORT  
 OF THE STATE'S MOTION TO TAX  
 COSTS; and

(2) SUPPLEMENTAL DECLARATION  
 OF PETER A. KRAUSE IN SUPPORT  
 THEREOF

BY FAX

Date: May 3, 2011  
 Time: 3:30 p.m.  
 Dept: 402  
 Judge: Hon. Jeffrey Hamilton  
 Action Filed: June 17, 2010

Defendants State of California, Attorney General Kamala D. Harris, and the California  
 Department of Justice, and (collectively, the "State") respectfully file this reply memorandum in  
 support of their motion to tax the costs claimed by plaintiffs Clay Parker, Herb Bauer Sporting  
 Goods, Inc., the California Rifle and Pistol Association Foundation, Able's Sporting, Inc., RTG  
 Collectibles, LLC, and Steven Stonecipher (collectively, "Plaintiffs").

(1) Reply Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs;  
 (2) Supplemental Declaration of Peter A. Krause in Support Thereof (10CECG02116)



## TABLE OF CONTENTS

|  | Page |
|--|------|
| Introduction .....   | 1    |
| Argument .....   | 2    |
| I.    Plaintiffs have not met their burden to show that the \$40.00 cost of filing<br>their withdrawn preliminary injunction motion was reasonably necessary to<br>the litigation. [Item No. 1(d)] ..... | 2    |
| II.   Recovery of Plaintiffs' deposition costs [Item No. 4] should be denied or,<br>at a minimum, reduced. ....  | 3    |
| A.   The Court should deny recovery of deposition costs given<br>Plaintiffs' concession that the case presented a pure question of law .....   | 3    |
| B.   If the Court elects to award any deposition costs, it should tax the<br>claimed travel and rush transcript charges as excessive and<br>unnecessary. ....  | 4    |
| 1.   The Court should tax the deposition-related travel expenses .....   | 4    |
| 2.   The Court should deny recovery of costs for expedited<br>transcripts. ....  | 5    |
| III.  The service of process costs [Item No. 5] should be taxed. ....  | 6    |
| IV.  The cost of hearing transcripts [Item No. 12] are unrecoverable. ....   | 6    |
| V.   The Court should deny as unrecoverable the cost of hearing-related travel<br>for Plaintiffs' team of lawyers [Item No. 13] .....  | 6    |
| Conclusion .....   | 7    |

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2  
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28

TABLE OF AUTHORITIES

Page

CASES

*County of Kern v. Ginn*  
(1983) 146 Cal.App.3rd 1107 ..... 3

*Hammons v. Table Mountain Ranches Owners Ass’n, Inc.*  
(Wyo. 2003) 72 P.3d 1153 ..... 2

*Hsu v. Semiconductor Sys. Inc.*  
(2005) 126 Cal.App.4th 1330 ..... 5

*Ladas v. California State Auto. Ass’n.*  
(1993) 19 Cal.App.4th 761 ..... 3, 6, 7

*Perkos Enters. Inc. v. RRNS Enters.*  
(1992) 4 Cal.App.4th 238 ..... 2

STATUTES

Code Civ. Proc., § 1033.5(c)(2) ..... 2

## INTRODUCTION

Plaintiffs accuse the State of driving up their costs by refusing to “move forward with cross-motions for summary judgment at an early stage in the litigation,” and of forcing them to seek provisional relief “to protect their interests.” These charges are false. The record shows that the State took a Spartan approach to this litigation calculated only to resolve the legal issues presented. There was never any need for Plaintiffs to seek a preliminary injunction, just as there was no need to lard their summary judgment papers with eleven declarations, 240 undisputed facts, and piles of paper. Plaintiffs alone are responsible for the circuitous path of this litigation.

Although Plaintiffs have reduced their demand for costs by \$979.89, the Court should tax thousands more. First, Plaintiffs concede that their preliminary injunction motion was withdrawn. This should end any dispute over the recoverability of the \$40.00 filing fee because the record stands as if no motion had been filed. Nonetheless, Plaintiffs argue that the motion was necessary because the State would not agree to their proposed summary judgment briefing schedule. This argument gravely misrepresents the facts, which show that Plaintiffs opted for *tactical* reasons to seek injunctive relief rather than meet an October 1 filing deadline for a summary judgment hearing they had reserved for December 16, 2010 – six weeks *before* the effective date of the challenged statutes. The withdrawn preliminary injunction motion was plainly unnecessary.

Plaintiffs’ deposition costs also should be disallowed because they were not necessary to resolve the legal issues in the case, a fact that Plaintiffs seem to concede in their opposition. Should the Court exercise its discretion to allow any deposition costs, it should tax the expedited transcription costs. Plaintiffs delayed discovery and eagerly accepted the condensed briefing schedule proposed by the Court that made rush transcripts necessary – a schedule that inured *only* to Plaintiffs’ benefit. The State likewise should not have to pay deposition-related travel costs for three attorneys when only one actually defended the witnesses. The other two lawyers could have read the transcripts in far less time than it took to travel from Southern California.

Plaintiffs have properly reduced their service of process costs to \$160.56 and have withdrawn their request for court reporter fees, but insist that the State pick up the unrecoverable cost of their attorneys’ motion-related travel. The Court should also tax this cost.

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## ARGUMENT

**I. PLAINTIFFS HAVE NOT MET THEIR BURDEN TO SHOW THAT THE \$40.00 COST OF FILING THEIR WITHDRAWN PRELIMINARY INJUNCTION MOTION WAS REASONABLY NECESSARY TO THE LITIGATION. [ITEM NO. 1(D)].**

A court may disallow recovery of a motion fee if it determines that the motion was not reasonably necessary to the litigation. (See Code Civ. Proc., § 1033.5(c)(2); *Perkos Enters. Inc. v. RRNS Enters.* (1992) 4 Cal.App.4th 238, 245.) Plaintiffs' concede that they voluntarily withdrew their Motion for Preliminary Injunction on November 17, 2010, and do not dispute that a "motion withdrawn leaves the record . . . as though it had not been made." (*Hammons v. Table Mountain Ranches Owners Ass'n, Inc.* (Wyo. 2003) 72 P.3d 1153, 1157.) This should end the Court's analysis of this simple issue.

In their opposition, however, Plaintiffs argue that the preliminary injunction motion was necessary to the litigation and that the State "drove Plaintiffs to file that motion." (Opp., p. 4:11.) Specifically, they assert that it was necessary because the State would not agree to file cross-motions for summary judgment before the effective date of the challenged statutes. This argument assumes incorrectly that Plaintiffs needed the State's permission before filing their own summary judgment motion. It also misstates the factual record, which establishes that Plaintiffs opted for *strategic reasons* to file a preliminary injunction motion after the State declined their unreasonable demand to reduce their summary judgment notice period from 75 to 30 days.

On August 4, 2010, just *two days* after the State filed its Answer in the case, counsel for Plaintiffs contacted counsel for the State and asked the State to waive the 75-day summary judgment notice period, stipulate to undisclosed facts, and agree to a briefing schedule on *their* summary judgment motion that would have given the State just **16 days** to prepare and file its opposition papers. (Supplemental Declaration of Peter A. Krause, ¶ 2 & Exh. "A.") Given that the State had just answered the complaint and was still researching and investigating the matter, the State declined Plaintiffs' request, but left open the possibility of filing cross-motions for summary judgment before the February 1, 2011 effective date of the statutes. (*Id.*)

Meanwhile, of course, Plaintiffs were free to file a summary judgment motion on regular statutory notice. Indeed, that appeared to be what they were planning to do when, in September

1 2010, they calendared a summary judgment motion for hearing on December 16, 2010 – a full six  
2 weeks before the February 1, 2011 effective date of the challenged statutes. (Supp. Krause Decl.,  
3 ¶ 4.) Based upon the December 16 hearing date, Plaintiffs had until October 1, 2010 to serve  
4 their moving papers.<sup>1</sup> But Plaintiffs inexplicably failed to timely file a summary judgment  
5 motion, opting instead to seek a preliminary injunction.<sup>2</sup> Given that Plaintiffs could have had  
6 their summary judgment motion heard by December 16, their preliminary injunction motion was  
7 wholly unnecessary, even putting aside the fact that it was deemed defective and ultimately  
8 withdrawn. Consequently, Plaintiffs are being less than candid when they argue that the State’s  
9 “litigation tactics” drove them to seek a preliminary injunction. Plaintiffs opted to file that  
10 motion as an apparent dry run to fine tune their legal arguments.

11 The State should not have to bear the cost of filing a preliminary injunction motion that was  
12 unnecessary when it filed and withdrawn before it was decided – by definition such a cost was not  
13 reasonably necessary to the conduct of the litigation because it is as if the motion “had not been  
14 made.” Plaintiffs therefore have not carried their burden to show that the filing fee on their  
15 withdrawn preliminary injunction motion was necessary to the litigation, nor can they. (See  
16 *Ladas v. California State Auto. Ass’n.* (1993) 19 Cal.App.4th 761, 774 [“if the items are properly  
17 objected to, they are put in issue and the burden of proof is on the party claiming them as costs”].)  
18 The State respectfully requests that the Court tax this \$40.00 motion filing fee.

19 **II. RECOVERY OF PLAINTIFFS’ DEPOSITION COSTS [ITEM NO. 4] SHOULD BE DENIED**  
20 **OR, AT A MINIMUM, REDUCED.**

21 **A. The Court Should Deny Recovery of Deposition Costs Given Plaintiffs’**  
22 **Concession that the Case Presented a Pure Question of Law.**

23 Courts have wide discretion to deny recovery of deposition and related expenditures when  
24 they are deemed unnecessary to the conduct of the litigation. (*County of Kern v. Ginn* (1983) 146

25 <sup>1</sup> In fact, the State offered in a letter to allow Plaintiffs file their summary judgment  
26 motion as late as **October 18**, but Plaintiffs insisted upon waiting for the Court to rule on their  
27 preliminary injunction motion. (Supp. Krause Decl., ¶ 4 & Exh. “B.”)

28 <sup>2</sup> When asked why Plaintiffs were not simply proceeding with a summary judgment  
motion, their counsel explained to the Court at a status conference that it was because Plaintiffs  
were entitled to “two bites at the apple,” and wanted the opportunity to fix any defects that the  
Court might identify at the preliminary injunction stage. (Supp. Krause Decl., ¶ 3 & Exh. “B.”)

1 Cal.App.3d 1107, 1113.) Plaintiffs argue that the \$8,331.96 in deposition costs they seek were  
2 necessary to the litigation even while conceding in their opposition that “[e]arly on, Plaintiffs  
3 recognized this case likely turned on a question of law” (Opp., p. 2:3), and that they “believ[ed]  
4 the determination of their claims hinged on a questions of law (*id.*, p. 5:24), an opinion shared by  
5 the State and echoed by the Court in its summary adjudication ruling.

6 In spite of the apparently unanimous belief that the case turned principally on a legal  
7 question, Plaintiffs submitted eleven supporting declarations, sixty exhibits, reams of deposition  
8 testimony, and *two-hundred forty* undisputed facts in support of the summary judgment motion  
9 they filed last December. Plaintiffs argue that the State “cannot require the deposition of four of  
10 Plaintiffs’ witnesses and then claim it was unnecessary for [them] to incur the costs associated”  
11 with them (Opp., p. 6:5-6), but faced with this pile of paper, the State could not simply leave  
12 Plaintiffs’ summary judgment facts “undisputed.” So, out of an abundance of caution, the State  
13 deposed three of the six plaintiffs and their expert witness; but just because the State was forced  
14 to notice defensive depositions does not make them necessary for cost recovery purposes.

15 Because the deposition costs for which Plaintiffs seek recovery were not reasonably  
16 necessary to the conduct of the litigation, and only became necessary due to Plaintiffs’ scattershot  
17 litigation tactics, the Court should exercise its discretion to deny Plaintiffs’ deposition costs and  
18 tax the full amount sought - \$8,331.94.

19 **B. If the Court Elects to Award any Deposition Costs, it Should Tax the**  
20 **Claimed Travel and Rush Transcript Charges as Excessive and**  
21 **Unnecessary.**

22 **1. The Court Should Tax the Deposition-Related Travel Expenses.**

23 Plaintiffs seek \$1,164.87 and \$644.37 in travel expenses, respectively, for three attorneys to  
24 defend the depositions of Stephen Helsley and Steven Stonecipher. As explained in the moving  
25 papers, there was no legitimate reason to have three attorneys present to defend these depositions.  
26 Plaintiffs dispute this, arguing that it was necessary not only to have a “well-seasoned litigator”  
27 defend the depositions, but also to have an attorney there to weigh in on ammunition issues, as  
28 well as the attorney responsible for conducting the litigation (whose non-attendance purportedly

1 would have made it “virtually impossible . . . to efficiently and fully prepare the remainder of his  
2 case”). (Opp., pp. 6:26-7:3.) This argument suffers from multiple infirmities.

3 First, having two extra lawyers travel from Southern California to Fresno and Sacramento  
4 for depositions simply to watch a third lawyer defend depositions is not necessary to the litigation,  
5 even if Plaintiffs were willing to pay for such a duplication of efforts. Furthermore, Plaintiffs fail  
6 to explain what the second and third chair attorneys actually contributed to the depositions. And  
7 finally, Plaintiffs do not address why *reading* transcripts was not a reasonable alternative to being  
8 there to witness the questions, objections, and responses. The State urges the Court to reduce the  
9 \$1,809.24 cost of deposition-related travel expenses by at least two-thirds.<sup>3</sup>

## 10 **2. The Court Should Deny Recovery of Costs for Expedited Transcripts.**

11 According to the records lodged with their opposition, Plaintiffs are seeking at least  
12 \$1501.29 for expedited transcription costs relating to their deposition of state witness Blake  
13 Graham. Although standard transcription fees for necessary depositions are recoverable, the extra  
14 cost for expediting transcripts are only allowed in the exercise of the court’s discretion. (*Hsu v.*  
15 *Semiconductor Sys. Inc.* (2005) 126 Cal.App.4th 1330, 1342.) Here, the Court should deny  
16 recovery of this surcharge, if it allows deposition costs at all, because expediting the Graham  
17 transcripts was only necessary because Plaintiffs opted to pursue a failed preliminary injunction  
18 motion rather than file a summary judgment motion in time for their reserved December 16  
19 hearing date. Further, Plaintiffs eagerly accepted a truncated summary judgment briefing  
20 schedule that gave them only two weeks to file their opening brief because it restored what they  
21 gave up when they withdrew their preliminary injunction motion, i.e., a hearing on the merits  
22 before the challenged statutes took effect.

23 The State should not bear the cost of rush transcription costs when it was Plaintiffs who  
24 delayed discovery and agreed to a shortened briefing schedule that inured *only* to their benefit.  
25 Should the Court allow recovery of depositions costs, it should tax \$1501.29 in rush charges.

26 <sup>3</sup> Although Plaintiffs suggest that the Court reduce the costs by only one-third, even that  
27 is unsustainable under the circumstances of this case. If Plaintiffs had been taking the depositions  
28 at issue, then two attorneys might be reasonable, but defending depositions does not require the  
presence of three lawyers, two of whom merely observed the proceedings.

1 **III. THE SERVICE OF PROCESS COSTS [ITEM NO. 5] SHOULD BE TAXED.**

2 Plaintiffs concede that the State's challenge to their service of process costs is valid in part  
3 and have reduced their demand by \$620.47 to a reasonable amount of \$160.56, which represents  
4 the cost of service of the complaint on the three defendants. The Court should therefore grant the  
5 motion to tax Plaintiffs' service costs to this amount.

6 **IV. THE COST OF HEARING TRANSCRIPTS [ITEM NO. 12] ARE UNRECOVERABLE.**

7 Plaintiffs also have withdrawn their request for \$121.50 in court reporter fees relating to the  
8 transcript of the January 18, 2011 summary judgment hearing. The Court should therefore grant  
9 the State's motion and tax this cost.

10 **V. THE COURT SHOULD DENY AS UNRECOVERABLE THE COST OF HEARING-RELATED**  
11 **TRAVEL FOR PLAINTIFFS' TEAM OF LAWYERS [ITEM NO. 13].**

12 Plaintiffs initially sought \$1,226.00 in attorney travel costs relating to their withdrawn  
13 preliminary injunction motion, as well as the summary judgment hearing, but have reduced their  
14 demand to \$988.21 to account for unrecoverable food and double-billed fuel costs. (Opp., p. 10,  
15 fn. 3.) But motion-related travel costs, even if they were reasonable, are not recoverable under  
16 section 1033.5 and should be denied here. (*Ladas*, 19 Cal.App.4th at pp. 775-776 ["The only  
17 travel expenses authorized by section 1033.5 are those to attend depositions. (§ 1033.5, subd.  
18 (a)(3).) Routine expenses for local travel by attorneys or other firm employees are not reasonably  
19 necessary to the conduct of litigation"].<sup>4</sup>)

20 In spite of this clear authority, Plaintiffs argue that the "travel costs incurred were  
21 'reasonably necessary' to the conduct of the litigation" because they "seek only the costs of  
22 driving to the Fresno courthouse for hearings on Plaintiffs' motions for preliminary injunction  
23 and summary judgment and one night's lodging [for three attorneys] in Fresno for the summary  
24 judgment hearing." (Opp., pp. 10:12, 11:3-5.) Plaintiffs' argument misses the mark.

25 Putting aside the fact that one of the two motions at issue was withdrawn by Plaintiffs and  
26 was in no way necessary to the litigation (as discussed in section I, *supra*), if the Legislature had

27 <sup>4</sup> Although the *Ladas* opinion does not disclose precisely what local travel expenses were  
28 sought, presumably at least some were costs associated with attending local court hearings.



1 wanted to allow litigants to recover the costs of traveling to motion hearings, it could have  
2 provided for recovery of such expenses as it did for deposition travel in subdivision (a)(3) of  
3 section 1033.5. And while it might be "necessary" on some level for attorneys to attend motion  
4 hearings, as the court in *Ladas* recognized, such costs are not "reasonably necessary to the  
5 conduct of the litigation" within the meaning of the cost recovery statutes. Again, Plaintiffs chose  
6 their attorneys and the venue and their failure to cite any authority justifying a shift of their  
7 hearing-related travel and lodging expenses to the State is revealing. The Court should therefore  
8 tax the cost of motion-related travel for Plaintiffs' attorneys.


9 **CONCLUSION**

10 For all the foregoing reasons, the State respectfully requests that the Court grant this motion  
11 and tax Plaintiffs' claimed costs as requested above.

12 Dated: April 26, 2011

Respectfully Submitted,

14 KAMALA D. HARRIS  
Attorney General of California  
15 ZACKERY P. MORAZZINI  
Supervising Deputy Attorney General

16   
17 PETER A. KRAUSE  
Deputy Attorney General  
18 *Attorneys for Defendants and Respondents*  
19 *State of California, Kamala D. Harris, and*  
20 *the California Department of Justice*

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4. Some time in September of 2010, Plaintiffs reserved a December 16, 2010 summary judgment hearing date, which I learned about by reviewing the Court's website. Contrary to Plaintiffs' assertions of non-cooperation, I wrote a letter to Mr. Monfort offering to allow Plaintiffs to file their summary judgment motion as late as October 18, 2010 (reducing the 75 day notice period to 60 days) but Plaintiffs insisted upon waiting for the Court to rule on their preliminary injunction motion, which was ultimately deemed defective and withdrawn. (A true and correct copy of my October 8, 2010 letter to Mr. Monfort is attached hereto as Exhibit "B.")

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Sacramento, California on April 26, 2011.

Blank

Peter A. Krause

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10678139.doc

**EXHIBIT A**

Peter Krause - Parker v. CA

PARKER  
CORA

**From:** "Clint B. Monfort" <CMonfort@michellawyers.com>  
**To:** Peter Krause <Peter.Krause@doj.ca.gov>  
**Date:** 8/4/2010 6:01 PM  
**Subject:** Parker v. CA

Peter,

Nice chatting with you today. I already talked to Chuck and I think we are both content to hold off on moving for a preliminary injunction and go ahead with our MSJ if you would be willing to stipulate to a shortened briefing schedule i.e. we don't want to wait 75 days while the State Ammunition case moves forward, possibly with a preliminary injunction motion, etc.

Obviously we will need to stipulate to some facts to narrow it down to a purely legal issue for the court.

We will be happy to work around your vacation time, of course.

Please let me know if this will work for you. If so, what would you think about scheduling the hearing date a few days after you return from vacation (around Sept. 10) which would set your opposition due date prior to your vacation. I think we can have our MSJ filed by next Friday realistically as our P's and A's and supporting dec.'s are basically ready to go. I will be available to discuss stipulated/undisputed facts on Friday if you are still available that day. If we agree to file our Motion by next Friday that would give you 16 days to file your opposition prior to your vacation.

I realize that this is a pretty tight schedule but this will be a basically "discovery-less" MSJ and we can get the legal issues directly before the Court. Both of us are showing our hands openly so the MSJ efforts shouldn't require a whole lot of time. This seems like the best way to get to potential resolution of all claims before we have litigation and motions moving forward on three different fronts.

Thanks again. I'll be available tomorrow if you would like to discuss over the phone.

**Clint B. Monfort**  
Attorney

**MICHEL & ASSOCIATES, P.C.**  
Attorneys at Law  
Firearms - Environmental - Land Use - Employment Law

Direct: (562) 216-4456  
Main: (562) 216-4444  
Fax: (562) 216-4445  
Email:  
[CMonfort@michellawyers.com](mailto:CMonfort@michellawyers.com)  
Web:  
[www.michellawyers.com](http://www.michellawyers.com)  
180 E. Ocean Blvd.  
Suite 200  
Long Beach, CA 90802

This e-mail is confidential and is legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. To do so could violate state and Federal privacy laws. Thank you for your cooperation. Please contact Michel & Associates, PC at (562) 216-4444 if you need assistance.

---

**EXHIBIT B**

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 324-5328  
Facsimile: (916) 324-8835  
E-Mail: Peter.Krause@doj.ca.gov

October 8, 2010

VIA E-MAIL

Clint B. Monfort  
Michel & Associates  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802

RE: *Sheriff Clay Parker, et al. v. State of California, et al.*  
Fresno Superior Court Case No. 10CECG02116

Dear Mr. Monfort:

I am writing in response to your October 5 e-mail regarding experts and discovery.

The State has not reached a final decision regarding the use of expert witnesses, so I cannot answer your question about who the State might rely upon. The State will, of course, disclose the identity of any expert witnesses it intends to rely on at trial in accordance with Code of Civil Procedure section 2034.210, et seq.

You also request that the State stipulate to shorten time in which to respond to discovery that plaintiffs have not yet served. Plaintiffs have been free to serve written discovery since late June. It is unclear why they have not propounded any in the intervening three months, but I cannot agree to shorten the State's time in which to respond to discovery that I have not seen. It is not the State's job to ensure that plaintiffs have all the discovery they need for an unfiled summary judgment motion that is calendared on a date that plaintiffs unilaterally chose.

On the issue of plaintiffs' summary judgment motion, I want to be clear that the State has not agreed unconditionally to shorten the summary judgment notice period to allow plaintiffs' motion to be heard on December 16. At the September 14 telephonic status conference, the parties agreed to table the discussion about plaintiffs' summary judgment motion (which I understood to include the briefing schedule and hearing date) until October 26. Although the State remains flexible on a modified briefing schedule, that flexibility is not unlimited. If I am reading your October 5 e-mail correctly, plaintiffs want to keep the December 16 hearing date that they reserved several weeks ago, while waiting to file their moving papers until as late as November 12 (November 11 is a court holiday). This timetable is unacceptable because it would give the State only about two weeks to prepare an opposition.

JA004268

Apart from Mr. Michel's argument during the September status conference that plaintiffs are entitled to "two bites at the apple," plaintiffs have not articulated any reason why they cannot file their summary judgment motion now, or more accurately, why they must wait until two weeks after the preliminary injunction hearing. If plaintiffs need discovery, again, they have had several months to seek it. Plaintiffs created the summary judgment filing deadline when they reserved the December 16th hearing date. If plaintiffs were unprepared to timely file their motion based upon that date, then they should not have reserved the hearing. The State will not be pressured into agreeing to bear the burden of a drastically reduced notice period based upon the artificial sense of urgency that the December 16 hearing date has created.

In light of the above, the State is prepared to agree to the following. Based upon the December 16 hearing date that you reserved, the last day to file moving papers should have been October 1. The State is willing to give plaintiffs until October 18 to file their papers. That reduces the notice period from 75 days to 60 days and still gives the State enough time to effectively oppose the motion. The parties can then discuss a modified opposition and reply schedule at the October 26 hearing. Alternatively, if plaintiffs want to wait until mid-November to file their moving papers, then any discussion about summary judgment at the October 26 status conference will have to involve a rescheduled hearing date that gives the State sufficient time to oppose the motion. I simply cannot compromise the State's defense of this case just because plaintiffs chose a December hearing date for which they apparently were unprepared.

Finally, you continue to cite my August vacation as a justification for plaintiffs' various delays, most recently in the declaration attached to your reply in support of the preliminary injunction motion. To set the record straight about my brief vacation, I never asked you to postpone *filing* any motion, nor to delay serving discovery. I merely asked you not to select a hearing date that would cause the State's *opposition brief* to fall due during my short absence. You were free to file your preliminary injunction motion at any time. Any suggestion to the contrary is false.

Please let me know if you have any questions, and also whether plaintiffs will file and serve their summary judgment motion by Monday, October 18.

Sincerely,



PETER A. KRAUSE  
Deputy Attorney General

For EDMUND G. BROWN JR.  
Attorney General



**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Sheriff Clay Parker, et al. v. The State of California**

No.: **10CECG02116**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

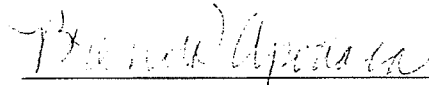
On April 26, 2011, I served the attached **(1) REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE STATE'S MOTION TO TAX COSTS; and (2) SUPPLEMENTAL DECLARATION OF PETER A. KRAUSE IN SUPPORT THEREOF**

by placing a true copy thereof enclosed in a sealed envelope with the Golden State Overnight courier service, addressed as follows:

C.D. Michel  
Clint B. Monfort  
Sean A. Brady  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 26, 2011, at Sacramento, California.

Brenda Apodaca  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature

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JA004270

APP-002

ORIGINAL

|  |  |   |
|--|--|---|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)<br>Peter A. Krause, Cal. Bar No. 185098<br>Office of the Attorney General, California Department of Justice<br>1300 I Street, Suite 125<br>Sacramento, California 95814<br>TELEPHONE NO. (916) 324-5328 FAX NO. (Optional): (916) 324-8835<br>E-MAIL ADDRESS (Optional): peter.krause@doj.ca.gov<br>ATTORNEY FOR (Name): Defendants State of Cal., Kamala D. Harris, Cal. DOJ |  | FOR COURT USE ONLY<br><br><div style="font-size: 48pt; text-align: center;">FILED</div> <div style="text-align: center;">APR 28 2011</div> FRESNO COUNTY SUPERIOR COURT<br>By _____ EK-DEPUTY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Fresno<br>STREET ADDRESS: 1130 O Street<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Fresno, California 93721-2220<br>BRANCH NAME: B.F. Sisk Courthouse   |  |   |
| PLAINTIFF/PETITIONER: Sheriff Clay Parker, et al.<br>DEFENDANT/RESPONDENT: State of California, et al.   |  |   |
| <input checked="" type="checkbox"/> NOTICE OF APPEAL <input type="checkbox"/> CROSS-APPEAL<br>(UNLIMITED CIVIL CASE)   |  | CASE NUMBER<br>10CECG02116  |
| Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (Judicial Council form APP-001) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.  |  |   |

1. NOTICE IS HEREBY GIVEN that (name): State of California, Kamala D. Harris, and the California Dep't of Justice appeals from the following judgment or order in this case, which was entered on (date): February 23, 2011

- ☐ Judgment after jury trial  
☐ Judgment after court trial  
☐ Default judgment  
☒ Judgment after an order granting a summary judgment motion  
☐ Judgment of dismissal under Code of Civil Procedure sections 581d, 583.250, 583.360, or 583.430  
☐ Judgment of dismissal after an order sustaining a demurrer  
☐ An order after judgment under Code of Civil Procedure section 904.1(a)(2)  
☐ An order or judgment under Code of Civil Procedure section 904.1(a)(3)-(13)  
☐ Other (describe and specify code section that authorizes this appeal):


2. For cross-appeals only

- a. Date notice of appeal was filed in original appeal:  
 b. Date superior court clerk mailed notice of original appeal:  
 c. Court of Appeal case number (if known):

Date: April 28, 2011

PETER A. KRAUSE

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 2

JA004271

APP-002

CASE NAME:

Sheriff Clay Parker, et al. v. State of California, et al.

CASE NUMBER:

10CECG02116

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

## PROOF OF SERVICE

☒ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My residence or business address is (specify):

Office of the Attorney General, California Department of Justice  
1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550

3. I mailed or personally delivered a copy of the *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* as follows (complete either a or b):

a. ☒ Mail. I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

(a) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(b) ☒ placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served: C.D. Michel; Clint B. Monfort

(b) Address on envelope:

Michel & Associates, P.C.

180 E. Ocean Boulevard, Suite 200, Long Beach, CA 90802

(c) Date of mailing: April 28, 2011

(d) Place of mailing (city and state): Sacramento, California

b. ☐ Personal delivery. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

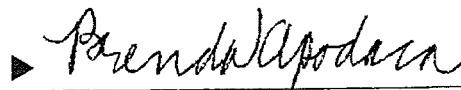
(4) Time delivered:

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

Date: 04/28/11

BRENDA APODACA

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

|  |  |  |
|--|--|--|
| <b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b><br>Appeal Department, Central Division<br>1100 Van Ness Avenue<br>Fresno, California 93724-0002<br>(559) 457-4904 |  | FOR COURT USE ONLY<br><br><div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <div style="text-align: center;">MAY 13 2011</div> FRESNO COUNTY SUPERIOR COURT<br>By _____ DEPUTY |
| PLAINTIFF: <b>SHERIFF CLAY PARKER, ET AL.</b><br><br>DEFENDANT: <b>THE STATE OF CALIFORNIA, ET AL.</b>   |  |  |
| <b>NOTIFICATION OF FILING NOTICE OF APPEAL-CIVIL</b>   |  | CASE NUMBER:<br><b>10CECG02116</b>   |

Date of Judgment: **February 22, 2011**

Notice of Appeal filed on: **February 28, 2011**

Appeal is from: **Other JUDGMENT AFTER AN ORDER GRANTING A SUMMARY JUDGMENT MOTION**

Name of Judicial Officer: **HON. JEFFREY Y. HAMILTON**

Name of Appellant(s): **STATE OF CALIFORNIA, ET AL.**

Attorney for Appellant/Appellant in Pro Per:

**PETER A. KRAUSE**

Bar Number: **185098**

Trial Court Party Designation: **Defendant**

Name of Respondent(s): **SHERIFF CLAY PARKER, ET AL.**

Attorney for Respondent/Respondent in Pro Per:

**C.D. MICHEL**

Bar Number: **144258**

Trial Court Party Designation: **Plaintiff**

(Attach additional sheets if necessary)

Following documents sent to Reviewing Court:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Notice of Appeal               | <input type="checkbox"/> Application for Waiver of Court Fees and Costs          |
| <input checked="" type="checkbox"/> Judgment or Order              | <input type="checkbox"/> Order on Application for Waiver of Court Fees and Costs |
| <input checked="" type="checkbox"/> Clerk's Certificate of Mailing | <input type="checkbox"/> Filing fee of \$655.00                                  |
| <input type="checkbox"/>   |  |

Date: **May 13, 2011**

Clerk, by \_\_\_\_\_

  
**T. Bufete**

, Deputy

|  |              |
|--|--------------|
| CASE TITLE   | CASE NUMBER: |
| SHERIFF CLAY PARKER, ET AL. v<br>THE STATE OF CALIFORNIA, ET AL. | 10CECG02116  |

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a true copy of the **NOTIFICATION OF FILING NOTICE OF APPEAL - CIVIL** was mailed first class, unless otherwise indicated, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at **FRESNO**, California, on:

Date: **May 13, 2011**

Clerk, by , Deputy

Court of Appeal  
Fifth Appellate District  
2424 Ventura Street  
Fresno CA 93721  
(Inter-office mail)

PETER A KRAUSE  
OFFICE OF THE ATTORNEY GENERAL  
CALIFORNIA DEPARTMENT OF JUSTICE  
1300 I ST STE 125  
SACRAMENTO CA 95814

//

C.D. MICHEL; CLINT B. MONFORT  
MICHEL & ASSOCIATES, PC  
180 E OCEAN BLVD STE 200  
LONG BEACH CA 90802

☐ Clerk's Certificate of Mailing Additional Address Page Attached

|  |  |  |
|--|--|--|
| <b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b><br>Appeal Department, Central Division<br>1100 Van Ness Avenue<br>Fresno, California 93724-0002<br>(559) 457-4904 |  | FOR COURT USE ONLY<br><div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <div style="text-align: center;">MAY 17 2011</div> FRESNO COUNTY SUPERIOR COURT<br>By _____ DEPUTY |
| PLAINTIFF: <b>SHERIFF CLAY PARKER, ET AL.</b><br><br>DEFENDANT: <b>THE STATE OF CALIFORNIA, ET AL.</b>   |  |  |
| <b>AMENDED NOTIFICATION OF FILING NOTICE OF APPEAL-CIVIL</b>   |  | CASE NUMBER:<br><b>10CECG02116</b>   |

Date of Judgment: **February 22, 2011**

Notice of Appeal filed on: **April 28, 2011**

Appeal is from: **Other JUDGMENT AFTER AN ORDER GRANTING A SUMMARY JUDGMENT MOTION**

Name of Judicial Officer: **HON. JEFFREY Y. HAMILTON**

Name of Appellant(s): **STATE OF CALIFORNIA, ET AL.**

Attorney for Appellant/Appellant in Pro Per:

**PETER A. KRAUSE**

Bar Number: **185098**

Trial Court Party Designation: **Defendant**

Name of Respondent(s): **SHERIFF CLAY PARKER, ET AL.**

Attorney for Respondent/Respondent in Pro Per:

**C.D. MICHEL**

Bar Number: **144258**

Trial Court Party Designation: **Plaintiff**

(Attach additional sheets if necessary)

Following documents sent to Reviewing Court:

☒ Notice of Appeal

☐ Application for Waiver of Court Fees and Costs

☒ Judgment or Order

☐ Order on Application for Waiver of Court Fees and Costs

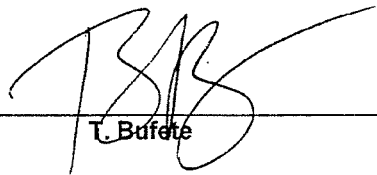
☒ Clerk's Certificate of Mailing

☐ Filing fee of \$655.00

☐

Date: **May 17, 2011**

Clerk, by

  
 T. Bufete

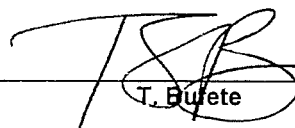
, Deputy

|  |              |
|--|--------------|
| CASE TITLE:  | CASE NUMBER: |
| SHERIFF CLAY PARKER, ET AL. v<br>THE STATE OF CALIFORNIA, ET AL. | 10CECG02116  |

### CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the **NOTIFICATION OF FILING NOTICE OF APPEAL - CIVIL** was mailed first class, unless otherwise indicated, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at **FRESNO**, California, on:

Date: **May 17, 2011**

Clerk, by , Deputy  
T. Burete

Court of Appeal  
Fifth Appellate District  
2424 Ventura Street  
Fresno CA 93721  
(Inter-office mail)

PETER A KRAUSE  
OFFICE OF THE ATTORNEY GENERAL  
CALIFORNIA DEPARTMENT OF JUSTICE  
1300 I ST STE 125  
SACRAMENTO CA 95814

//

C.D. MICHEL; CLINT B. MONFORT  
MICHEL & ASSOCIATES, PC  
180 E OCEAN BLVD STE 200  
LONG BEACH CA 90802

☐ Clerk's Certificate of Mailing Additional Address Page Attached

(23)

Tentative Ruling

Re: *Sheriff Clay Parker, et al. v. State of California, et al.*  
Superior Court No. 10 CECG 02116

Hearing Date: Tuesday, May 17, 2011 (Dept. 402)

Motion: Defendants State of California's, Attorney General Kamala Harris', and the California Department of Justice's Motion to Tax Costs

**Tentative Ruling:**

To GRANT Defendants' motion to tax costs. (Code of Civil Procedure § 1033.5.) The costs are taxed by \$2,571.18. Total costs to Defendants are reduced from \$11,355.63 to \$8,784.45.

**Explanation:**

1. Withdrawn Costs

Plaintiffs have withdrawn the following costs: (1) \$620.47 in service of process fees [Memorandum of Costs, Item 5, Attachment 5d]; and (2) \$121.50 in court reporter fees [Memorandum of Costs, Item 12].

2. Filing and Motion Fees [Item 1]

Filing and motion fees are allowable costs. (Code of Civil Procedure § 1033.5(a)(1).) Defendants have not met their initial burden of proof of demonstrating that the motion fee for the Plaintiffs' motion for preliminary injunction was unnecessary or unreasonable. (*Ladas v. Cal. State Auto. Ass'n* (1993) 19 Cal. App. 4th 761, 774.)

3. Deposition Costs [Item 4]

Deposition costs are allowable costs. (Code of Civil Procedure § 1033.5(a)(3).) The Court finds that the Defendants have not met their burden of proof of demonstrating that all of the deposition costs or the specific deposition costs for expedited transcripts were unnecessary or unreasonable costs. However, the Court finds that it was not necessary to the litigation to have Clinton Monfort present at the depositions and so his travel expenses are unnecessary. The Court taxes \$603.08, or one-third, of the deposition travel costs.

4. Other – Hearing Travel Costs [Item 13]



As costs for travelling to case hearings are not explicitly allowable or prohibited costs, the Court has discretion to allow or deny costs accrued due to travel to case hearings. In this case, the Court exercises its discretion to deny recovery of the Plaintiffs' costs for travelling to Fresno for the hearings on the Plaintiffs' motion for preliminary injunction and Plaintiffs' motion for summary judgment. Therefore, the Court taxes the entire amount of Item 13 or \$1,226.13.

Pursuant to California Rules of Court, rule 3.1312(a) and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

Issued By: JYH on 5/16/2011.  
(Judge's initials) (Date)

|   |  |                                       |
|---|--|---------------------------------------|
| <b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b><br><b>Civil Department - Non-Limited</b> |  | Entered by:                           |
| TITLE OF CASE:<br><b>Sherrif Clay Parker vs. State of Calif/JUDGMENT</b>                        |  |                                       |
| <b>LAW AND MOTION MINUTE ORDER</b>  |  | Case Number:<br><b>10CECG02116 JH</b> |

Hearing Date: **MAY 17, 2011**

Hearing Type: **Motion to Tax Costs**

Department: **402**

Judge/Temporary Judge: **Jeff Hamilton**

Court Clerk: **M.Santana**

Reporter/Tape: **S. Obel-Jorgensen**
**Appearing Parties:**

Plaintiff:

Defendant:

Counsel via courtcall: **Clinton Monfort**

Counsel via courtcall: **Peter Andrew Krause**

- ☐ Off Calendar
- ☐ Continued to ☐ Set for \_\_\_\_\_ at \_\_\_\_\_ Dept. \_\_\_\_\_ for \_\_\_\_\_
- ☐ Submitted on points and authorities with/without argument. ☒ **Matter is argued and submitted.**
- ☐ Upon filing of points and authorities.
- ☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.
- ☐ Taken under advisement
- ☐ Demurrer ☐ overruled ☐ sustained with \_\_\_\_\_ days to ☐ answer ☐ amend
- ☒ **Tentative ruling becomes the order of the court. No further order is necessary.**
- ☒ **Pursuant to CRC 391(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.**
- ☒ **Service by the clerk will constitute notice of the order.**
- ☐ Time for amendment of the complaint runs from the date the clerk serves the minute order.
- ☐ Judgment debtor \_\_\_\_\_ sworn and examined.
- ☐ Judgment debtor \_\_\_\_\_ failed to appear.  
 Bench warrant issued in the amount of \$ \_\_\_\_\_

**Judgment:**

- ☐ Money damages ☐ Default ☐ Other \_\_\_\_\_ entered in the amount of:  
 Principal \$ \_\_\_\_\_ Interest \$ \_\_\_\_\_ Costs \$ \_\_\_\_\_ Attorney fees \$ \_\_\_\_\_ Total \$ \_\_\_\_\_
- ☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$ \_\_\_\_\_ per \_\_\_\_\_

**Further, court orders:**

- ☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.
- ☐ \$ \_\_\_\_\_ to be released to judgment creditor and balance returned to judgment debtor.
- ☐ Levying Officer, County of \_\_\_\_\_, notified. ☐ Writ to issue
- ☐ Notice to be filed within 15 days. ☐ Restitution of Premises
- ☒ **Other: See attached copy of Tentative Ruling.**

|  |                                       |
|--|---------------------------------------|
| <b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b><br><b>Civil Department - Non-Limited</b><br>1130 "O" Street<br>Fresno, CA 93724-0002<br>(559)457-1900 | COURT USE ONLY                        |
| TITLE OF CASE:<br><b>Sherrif Clay Parker vs. State of Calif/JUDGMENT</b>   |                                       |
| <b>CLERK'S CERTIFICATE OF MAILING</b>  | CASE NUMBER:<br><b>10CECG02116 JH</b> |

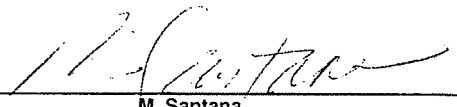
Name and address of person served:

**Peter Andrew Krause**  
**Office of the Attorney General**  
**1300 I Street, Ste 125**  
**Sacramento, CA 95814**

### CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the 05/17/11 minute order and copy of Tentative Ruling was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at Fresno, California, on:

Date: **May 18, 2011**

Clerk, by , Deputy  
**M. Santana**

C. D. Michel, 180 East Ocean Blvd., Suite 200, Long Beach CA 90802  
**Peter A. Krause, Office of the Attorney General, 1300 I Street, Ste 125, Sacramento CA 95814**

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 322-0230  
Facsimile: (916) 324-8835  
E-Mail: [Brenda.Apodaca@doj.ca.gov](mailto:Brenda.Apodaca@doj.ca.gov)

June 9, 2011

Golden State Overnight Delivery

Clerk of the Court  
Fresno County Superior Courthouse  
Appeals Department  
1100 Van Ness Avenue  
4th Floor, Room 401  
Fresno, CA 93724-0002

RE: *Sheriff Clay Parker, et al. v. The State of California*  
Superior Court of California, County of Fresno, Case No. 10CECG02116

Dear Clerk:

Enclosed please find an original and two copies of the following:

1. Notice of Appeal; and
2. Appellant's Notice Designating Record On Appeal

Please file the originals and return the endorsed stamped copies to our office in the enclosed self-addressed stamped envelope. Thank you for your cooperation in this matter. If you have any questions, please feel free to call our office.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Apodaca".

BRENDA APODACA  
Legal Secretary to PETER A. KRAUSE

For KAMALA D. HARRIS  
Attorney General

BLA:

SA2010101624

JA004281

- Date June 9, 2011

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Sheriff Clay Parker, et al. v. State of California, et al.

CASE NUMBER:

10CECG02116

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

## PROOF OF SERVICE

☒ Mail ☐ Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My residence or business address is (specify):

Office of the Attorney General, California Department of Justice  
1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550

3. I mailed or personally delivered a copy of the *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* as follows (complete either a or b):

a. ☒ Mail. I am a resident of or employed in the county where the mailing occurred.

(1) I enclosed a copy in an envelope and

(a) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(b) ☒ placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

(2) The envelope was addressed and mailed as follows:

(a) Name of person served: C.D. Michel; Clint B. Monfort

(b) Address on envelope:

Michel & Associates, P.C.

180 E. Ocean Boulevard, Suite 200, Long Beach, CA 90802

(c) Date of mailing: June 9, 2011

(d) Place of mailing (city and state): Sacramento, California

b. ☐ Personal delivery. I personally delivered a copy as follows:

(1) Name of person served:

(2) Address where delivered:

(3) Date delivered:

(4) Time delivered:

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

Date: June 9, 2011

BRENDA APODACA

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

(23)

Tentative Ruling

Re: *Sheriff Clay Parker, et al. v. State of California, et al.*  
Superior Court No. 10 CECG 02116

Hearing Date: Tuesday, May 17, 2011 (Dept. 402)

Motion: Defendants State of California's, Attorney General Kamala Harris', and the California Department of Justice's Motion to Tax Costs

**Tentative Ruling:**

To GRANT Defendants' motion to tax costs. (Code of Civil Procedure § 1033.5.) The costs are taxed by \$2,571.18. Total costs to Defendants are reduced from \$11,355.63 to \$8,784.45.

**Explanation:**

1. Withdrawn Costs

Plaintiffs have withdrawn the following costs: (1) \$620.47 in service of process fees [Memorandum of Costs, Item 5, Attachment 5d]; and (2) \$121.50 in court reporter fees [Memorandum of Costs, Item 12].

2. Filing and Motion Fees [Item 1]

Filing and motion fees are allowable costs. (Code of Civil Procedure § 1033.5(a)(1).) Defendants have not met their initial burden of proof of demonstrating that the motion fee for the Plaintiffs' motion for preliminary injunction was unnecessary or unreasonable. (*Ladas v. Cal. State Auto. Ass'n* (1993) 19 Cal. App. 4th 761, 774.)

3. Deposition Costs [Item 4]

Deposition costs are allowable costs. (Code of Civil Procedure § 1033.5(a)(3).) The Court finds that the Defendants have not met their burden of proof of demonstrating that all of the deposition costs or the specific deposition costs for expedited transcripts were unnecessary or unreasonable costs. However, the Court finds that it was not necessary to the litigation to have Clinton Monfort present at the depositions and so his travel expenses are unnecessary. The Court taxes \$603.08, or one-third, of the deposition travel costs.

4. Other – Hearing Travel Costs [Item 13]

As costs for travelling to case hearings are not explicitly allowable or prohibited costs, the Court has discretion to allow or deny costs accrued due to travel to case hearings. In this case, the Court exercises its discretion to deny recovery of the Plaintiffs' costs for travelling to Fresno for the hearings on the Plaintiffs' motion for preliminary injunction and Plaintiffs' motion for summary judgment. Therefore, the Court taxes the entire amount of Item 13 or \$1,226.13.

Pursuant to California Rules of Court, rule 3.1312(a) and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

**Tentative Ruling**

Issued By: JYH on 5/16/2011  
(Judge's initials) (Date)



|   |  |                                |
|---|--|--------------------------------|
| SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO<br>Civil Department - Non-Limited |  | Entered by:                    |
| TITLE OF CASE:<br>Sherrif Clay Parker vs. State of Calif/JUDGMENT                 |  |                                |
| LAW AND MOTION MINUTE ORDER   |  | Case Number:<br>10CECG02116 JH |

Hearing Date: MAY 17, 2011

Department: 402

Court Clerk: M.Santana

Hearing Type: Motion to Tax Costs

Judge/Temporary Judge: Jeff Hamilton

Reporter/Tape: S. Obel-Jorgensen

**Appearing Parties:**

Plaintiff:

Defendant:

Counsel via courtcall: Clinton Monfort

Counsel via courtcall: Peter Andrew Krause

- ☐ Off Calendar
- ☐ Continued to ☐ Set for \_\_\_\_\_ at \_\_\_\_\_ Dept. \_\_\_\_\_ for \_\_\_\_\_
- ☐ Submitted on points and authorities with/without argument. ☒ **Matter is argued and submitted.**
- ☐ Upon filing of points and authorities.
- ☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.
- ☐ Taken under advisement
- ☐ Demurrer ☐ overruled ☐ sustained with \_\_\_\_\_ days to ☐ answer ☐ amend
- ☒ **Tentative ruling becomes the order of the court. No further order is necessary.**
- ☒ **Pursuant to CRC 391(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.**
- ☒ **Service by the clerk will constitute notice of the order.**
- ☐ Time for amendment of the complaint runs from the date the clerk serves the minute order.
- ☐ Judgment debtor \_\_\_\_\_ sworn and examined.
- ☐ Judgment debtor \_\_\_\_\_ failed to appear.  
Bench warrant issued in the amount of \$ \_\_\_\_\_

**Judgment:**

- ☐ Money damages ☐ Default ☐ Other \_\_\_\_\_ entered in the amount of:  
Principal \$ \_\_\_\_\_ Interest \$ \_\_\_\_\_ Costs \$ \_\_\_\_\_ Attorney fees \$ \_\_\_\_\_ Total \$ \_\_\_\_\_
- ☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$ \_\_\_\_\_ per \_\_\_\_\_

**Further, court orders:**

- ☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.
- ☐ \$ \_\_\_\_\_ to be released to judgment creditor and balance returned to judgment debtor.
- ☐ Levying Officer, County of \_\_\_\_\_, notified. ☐ Writ to issue
- ☐ Notice to be filed within 15 days. ☐ Restitution of Premises
- ☒ **Other: See attached copy of Tentative Ruling.**



|   |  |
|---|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br>Peter A. Krause, Cal. Bar No. 185098<br>Office of the Attorney General, California Department of Justice<br>1300 I Street, Suite 125, Sacramento, CA 95814<br>TELEPHONE NO.: (916) 324-5328 FAX NO. (Optional): (916) 324-8835<br>E-MAIL ADDRESS (Optional): peter.krause@doj.ca.gov<br>ATTORNEY FOR (Name): Defendant and Appellant | FOR COURT USE ONLY                                 |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO<br>STREET ADDRESS: 1130 O Street<br>MAILING ADDRESS: 1130 O Street<br>CITY AND ZIP CODE: Fresno, California 93721-2220<br>BRANCH NAME: B.F. Sisk Courthouse  |  |
| PLAINTIFF/PETITIONER: Sheriff Clay Parker, et al.<br>DEFENDANT/RESPONDENT: State of California, Kamala D. Harris, et al.  |  |
| <b>APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL<br/>(UNLIMITED CIVIL CASE)</b>   | Superior Court Case Number:<br>10CECG02116         |
| RE: Appeal filed on (date): June 10, 2011   | Court of Appeal Case Number (if known):<br>F062490 |
| Notice: Please read form APP-001 before completing this form. This form must be filed in the superior court, not in the Court of Appeal.  |  |

## 1. RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I elect to use the following method of providing the Court of Appeal with a record of the documents filed in the superior (check a, b, c, d, or e and fill in any required information):

- a. ☐ A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section on page 2 of this form.)
- (1) ☐ I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) ☐ I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have attached the following document (check (a) or (b)):
- (a) ☐ An order granting a waiver of court fees and costs under rule 3.50 et seq.; or
- (b) ☐ An application for a waiver of court fees and costs under rule 3.50 et seq. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b. ☒ An appendix under rule 8.124.
- c. ☐ The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, Fourth, and Fifth Appellate Districts, permit parties to stipulate to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d. ☐ An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)
- e. ☐ A settled statement under rule 8.137. (You must complete item 2b(3) below and attach to your proposed statement on appeal copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.137(b)(3).)

## 2. RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I elect to proceed:

- a. ☐ WITHOUT a record of the oral proceedings in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in determining whether an error was made in the superior court proceedings.

CASE NAME: Parker v. State of California

CASE NUMBER: 10CECG02116

- b. ☒ WITH the following record of the oral proceedings in the superior court:
- (1) ☒ A reporter's transcript under rule 8.130. (You must fill out the reporter's transcript section on page 3 of this form.) I have (check all that apply):
- (a) ☐ Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
- (b) ☐ Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
- (c) ☐ Attached the reporter's written waiver of a deposit for (check either (i) or (ii)):
- (i) ☐ all of the designated proceedings.
- (ii) ☐ part of the designated proceedings.
- (d) ☒ Attached a certified transcript under rule 8.130(b)(3).
- (2) ☐ An agreed statement. (Check and complete either (a) or (b) below.)
- (a) ☐ I have attached an agreed statement to this notice.
- (b) ☐ All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation to this notice.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
- (3) ☐ A settled statement under rule 8.137. (You must attach the motion required under rule 8.137(a) to this form.)

### 3. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

- ☐ I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (give the title and date or dates of the administrative proceeding):

| Title of Administrative Proceeding | Date or Dates |
|------------------------------------|---------------|
|------------------------------------|---------------|

### 4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(You must complete this section if you checked item 1a. above indicating that you elect to use a clerk's transcript as the record of the documents filed in the superior court.)

- a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed or, if that is not available, the date the document was signed.

| Document Title and Description | Date of Filing |
|--------------------------------|----------------|
|--------------------------------|----------------|

- (1) Notice of appeal
- (2) Notice designating record on appeal (this document)
- (3) Judgment or order appealed from
- (4) Notice of entry of judgment (if any)
- (5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (if any)
- (6) Ruling on one or more of the items listed in (5).
- (7) Register of actions or docket (if any)

CASE NAME: Parker v. State of California

CASE NUMBER: 10CECG02116

**4. NOTICE DESIGNATING CLERK'S TRANSCRIPT**

- b. **Additional documents.** (If you want any documents from the superior court proceeding in addition to the items listed in a. above to be included in the clerk's transcript, you must identify those documents here.)

☐ I request that the clerk include the following documents from the superior court proceeding in the transcript. (You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed)

| Document Title and Description | Date of Filing |
|--------------------------------|----------------|
|--------------------------------|----------------|

(8)

(9)

(10)

(11)

(12)

☐ See additional pages.

- c. **Exhibits to be included in clerk's transcript.**

☐ I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court (for each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence):

| Exhibit Number | Description | Admitted (Yes/No) |
|----------------|-------------|-------------------|
|----------------|-------------|-------------------|

(1)

(2)

(3)

(4)

(5)

☐ See additional pages.

**5. NOTICE DESIGNATING REPORTER'S TRANSCRIPT**

(You must complete this section if you checked item 2b(1) above indicating that you elect to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.)

- a. I request that the reporters provide (check one):

(1) ☒ My copy of the reporter's transcript in paper format.

(2) ☐ My copy of the reporter's transcript in computer-readable format.

(3) ☐ My copy of the reporter's transcript in paper format and a second copy in computer-readable format.

(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

|  |                          |
|--|--------------------------|
| CASE NAME: Parker v. State of California | CASE NUMBER: 10CECG02116 |
|--|--------------------------|

## b. Proceedings.

I request that the following proceedings in the superior court be included in the reporter's transcript. (You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings—for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions—and, if you know it, the name of the court reporter who recorded the proceedings).

|     | Date    | Department | Full/Partial Day | Description of Proceedings  | Reporter's Name      |
|-----|---------|------------|------------------|-----------------------------|----------------------|
| (1) | 5/17/11 | 402        | Partial          | Motion to Tax Costs Hearing | S. K. Obel-Jorgensen |
| (2) |         |            |                  |                             |                      |
| (3) |         |            |                  |                             |                      |
| (4) |         |            |                  |                             |                      |
| (5) |         |            |                  |                             |                      |
| (6) |         |            |                  |                             |                      |
| (7) |         |            |                  |                             |                      |

☐ See additional pages.

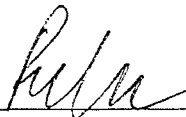
c. The proceedings designated in 5b ☒ include ☐ do not include all of the testimony in the superior court.

If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal (rule 8.130(a)(2) provides that your appeal will be limited to these points unless, on motion, the reviewing court permits otherwise).

Date: June 9, 2011

PETER A. KRAUSE

(TYPE OR PRINT NAME)

► 

(SIGNATURE OF APPELLANT OR ATTORNEY)

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Sheriff Clay Parker, et al. v. The State of California**  
Case No.: **10CECG02116**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 9, 2011, I served the attached


**APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

C.D. Michel  
Michel & Associates, P.C.  
180 E. Ocean Boulevard, Suite 200  
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 9, 2011, at Sacramento, California.

Brenda Apodaca  
Declarant

  
Signature

SA2010101624

JA004292

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF FRESNO

Before the Honorable Jeff Hamilton, Judge

Department 402

-o0o-

SHERIFF CLAY PARKER, )  
)  
Plaintiff, )  
)  
vs. )  
)  
STATE OF )  
CALIFORNIA, )  
)  
Defendant. )

No. 10CECG02116

MOTION TO TAX COSTS

Fresno, California

May 17, 2011

-o0o-

REPORTER'S TRANSCRIPT

-o0o-

A P P E A R A N C E S:

FOR THE PLAINTIFF:

CLINTON MONFORT  
Michel and Associates, PC  
180 E. Ocean Blvd., Ste 200  
Long Beach, CA 90802

FOR THE DEFENDANT:

PETER KRAUSE, Supervising  
Deputy Attorney General  
Office of the Attorney  
General  
Department of Justice  
1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

-o0o-

REPORTED BY:  
STACY K. OBEL-JORGENSEN, CSR, RPR  
CERTIFICATE NO. 11988

ORIGINAL



AFTERNOON SESSION - MAY 17, 2011

(The following proceedings were had in open court in the presence of the Court, Counsel, and the Defendant:)

THE COURT: Sheriff Clay Parker, et al, versus State of California, 10CECG02116.

MR. KRAUSE: Good afternoon, Your Honor. Peter Krause, Attorney's General's Office, on behalf of defendant State of California, et al.

MR. MONFORT: Good afternoon, Your Honor. Clinton Monfort, Michel and Associates, on behalf of plaintiff.

THE COURT: Okay. You both asked for a hearing.

MR. MONFORT: Plaintiffs did not, Your Honor.

THE COURT: Oh, okay.

So defense?

MR. MONFORT: Plaintiffs are willing to submit on the tentative.

THE COURT: Okay.

Defense?

MR. KRAUSE: Your Honor, I'll be brief. Just a couple of issues.

With respect to item number one, the filing and motion fee, the Court indicated in its tentative that the defendants hadn't met their burden of proof to demonstrate that the motion fee was unnecessary and reasonable. It is true that filing fees generally are recoverable, but the Court has

1 discretion to disallow recovery of filing fees when they're  
2 not necessary or proper in the case. And although the Court's  
3 tentative identified it as a burden of proof, the cases seem  
4 to talk about it more as a burden to raise a proper objection.

5 And here, the State objected on the ground that the fee  
6 for the motion wasn't -- not only was it not necessary, but it  
7 essentially didn't exist any longer because the motion was  
8 withdrawn. And although no California Court has yet addressed  
9 this issue, Courts in other states have, including the Wyoming  
10 Supreme Court case that we cited, which held that a motion  
11 withdrawn leaves the record as though the motion had never  
12 been made. And so it stands to reason that you can't recover  
13 a filing fee on a motion that's never been made.

14 So that, I think, was our proper objection and -- which  
15 shifted the burden to them -- to the plaintiffs to establish  
16 why recovery was proper. And so in their opposition, they  
17 assert that the State made them file the motion by being  
18 disagreeable, by delaying, but the record shows that, in fact,  
19 the State was willing to talk about getting a summary judgment  
20 motion on file and, in fact, the plaintiffs had calendared a  
21 hearing in December, six weeks before the statutes were going  
22 to go into effect. Nothing stopped them from filing that  
23 motion on a timely basis and, again, the record submitted with  
24 the papers shows that the State offers as late as October 18th  
25 to allow them to file their papers on that motion, but they  
26 opted instead to proceed with their preliminary injunction

1 motion.

2 So even if they hadn't withdrawn their motion making it a  
3 nullity, it wasn't necessary in the first instance because  
4 they had an opportunity to have a hearing on the merits of the  
5 case well before the statutes were even going to go into  
6 effect. And so I think for both of those reasons, the -- you  
7 know, they haven't met their burden to show why it was  
8 necessary in this case to have that -- have this -- to recover  
9 this filing fee.

10 And I understand it seems like a \$40 issue, but this  
11 obviously is a larger issue. They filed -- the plaintiffs  
12 have filed an attorneys fee motion, which is going to raise  
13 the same issue. They're seeking recovery for 364 hours worth  
14 of time preparing that preliminary injunction motion which  
15 comes to, I think, about \$82,000, plus they're asking for a  
16 multiplier which brings the grand total up to about \$125,000  
17 that they're going to be seeking in fees on this withdrawn  
18 motion.

19 So it is an important issue and, again, we think that the  
20 authority that has been cited, you know, more than meets our  
21 burden for submitting a proper objection.

22 THE COURT: All right.

23 Mr. Monfort?

24 MR. MONFORT: Thank you, Your Honor.

25 Well, our understanding is that costs can be recovered  
26 for filing fees for filings that were either, you know,

1 necessary or reasonable and in light of the circumstances, and  
2 I think this is pretty well set forth in plaintiff's  
3 opposition that it was reasonable and, in fact, necessary to  
4 file a motion for preliminary injunction.

5 Defense counsel has requested delays throughout the  
6 course of the litigation, and although defense counsel  
7 suggested they were happy to talk about the issue of moving  
8 forward with cross motions for summary judgment, the fact of  
9 the matter is, as set forth in Counsel's declaration, my  
10 declaration, is that it was offered. It was on the table, and  
11 the parties were never able to come to an agreeable solution  
12 as to when a motion for summary judgment would be heard and  
13 counsel cited -- counsel for defendant cited the need to  
14 conduct discovery, take the deposition of plaintiffs or  
15 plaintiff's expert witness and not until the preliminary  
16 injunction motion was filed and, in fact, at the hearing did  
17 the -- did defendants ever attempt to notice a deposition in  
18 the case and only noticed the deposition after the Court  
19 assisted the parties in negotiating a shortened briefing  
20 schedule and motion for summary judgment and after the Court  
21 imposed a deadline to conduct depositions.

22 So in light of that, plaintiffs didn't -- didn't see it  
23 likely that a motion for summary judgment would be heard and  
24 then, in fact, ruled on not only prior to the date of the  
25 challenged provision, but prior to it in enough time so the  
26 plaintiffs could, you know, conduct their business decision to

1 allow them to comply with the challenge provisions.

2 THE COURT: Okay.

3 MR. KRAUSE: In responding to that, Your Honor, I didn't  
4 hear any explanation as to why when they had a summary  
5 judgment motion calendared on December 16th they couldn't file  
6 either by the October 1st deadline for notice on a summary  
7 judgment motion or even by the extended deadline that was  
8 offered on October 18th. And aside from that fact, I don't  
9 even think you get to the issue of whether it was reasonably  
10 necessary in litigation. When they withdrew the motion, they  
11 essentially made it as if -- left the record as if the motion  
12 had never been made.

13 And so in that circumstance, I don't think you even get  
14 to the question of whether it was reasonably necessary. But  
15 even if you did, I don't think under any -- under any  
16 circumstance was it necessary when they could have had the  
17 issue resolved, putting aside the misleading characterization  
18 of these delays and so forth. Nothing prevented them from  
19 moving forward with the summary judgment motion.

20 MR. MONFORT: To respond, Your Honor, our intention isn't  
21 to suggest that opposing counsel was, you know, delaying  
22 tactics for any inappropriate reason, but the fact of the  
23 matter was that delays continued to happen throughout the  
24 course of the litigation. And in light of that, it seemed  
25 absolutely necessary for plaintiffs at the time to file a  
26 motion for preliminary injunction. And even though we could

1 have technically calendared a summary judgment motion and  
2 notice it for a certain date, there was very little reason for  
3 plaintiffs to expect that a decision would have actually been  
4 reached -- that a motion would have been heard and a decision  
5 would have been reached prior to the February 1st effective  
6 deadline. And as I alluded to previously, while it was  
7 helpful to get a decision prior to the February 1st effective  
8 deadline, my clients had significant business decisions that  
9 required, you know, resolution well prior to February 1st  
10 effective deadline.

11 And in terms of Counsel's argument that we shouldn't even  
12 reach a decision as to whether or not the decision was  
13 unreasonable or unnecessary, I'm not quite following. I'm not  
14 sure if I'm agreeing with Counsel's -- what he's relying on  
15 because the motion was withdrawn because in light of what took  
16 place in the proceeding that day, the Court and the parties  
17 were able to work out an expedited briefing schedule so the  
18 claims would, in fact, be resolved and would have a ruling  
19 issued prior to February 1st that resulted as -- because of  
20 the preliminary injunction motion hearing was scheduled  
21 regardless of whether or not it was actually withdrawn.

22 THE COURT: All right. I appreciate the argument. At  
23 this point, the Court's going to keep the tentative as it is  
24 written. That's not any kind of telegraph as to the attorney  
25 fees motion, but I'm going to leave the tentative as it is.  
26 That will become the order.

1 MR. KRAUSE: I'm sorry, Your Honor. I do have one other  
2 issue that I'd like to raise --

3 THE COURT: Okay.

4 MR. KRAUSE: -- just briefly on the issue of expedited  
5 deposition transcript costs. Just like to, again, reiterate  
6 that that was something that was caused by the -- caused by  
7 the plaintiffs after they withdrew their preliminary  
8 injunction motion. They opted to pursue that. It was  
9 technically defective. The Court was going to deny it, and  
10 they eagerly accepted this truncated summary judgment briefing  
11 schedule that only gave them two weeks to file their opening  
12 brief. That wasn't for the State's benefit. That was only  
13 for their benefit. They went into it knowing that that was  
14 going to be something that they would have to pay for. And so  
15 I don't think the State should be forced to pay for their  
16 expedited deposition transcript costs.

17 MR. MONFORT: Briefly I'll address that, Your Honor, if I  
18 may. Plaintiff's counsel was aware of the fact that defense  
19 counsel wanted to conduct depositions and -- as far back as, I  
20 believe, August, and repeatedly made our witnesses available  
21 for deposition. And it wasn't until December, just before the  
22 deadline for plaintiffs to file their motion for summary  
23 judgment, that defendants finally noticed the first deposition  
24 in the case.

25 MR. KRAUSE: And I will say, Your Honor, it's because the  
26 State believed that the issues were all legal issues and that

1 discovery wasn't necessary until we saw their summary judgment  
2 papers with its 11 declarations and all the evidence that we  
3 felt compelled to respond by taking the depositions. But  
4 we'll submit on that, Your Honor.

5 MR. MONFORT: Plaintiffs will submit as well, Your Honor.

6 THE COURT: Okay.

7 All right. The tentative remains. Thank you.

8 MR. KRAUSE: Thank you.

9 MR. MONFORT: Thank you, Your Honor. Appreciate it.


10 (Matter concluded.)

11 -oOo-

12 STATE OF CALIFORNIA )  
13 ) ss.  
14 COUNTY OF FRESNO )

15 I, STACY K. OBEL-JORGENSEN, Official Shorthand Reporter, do  
16 hereby certify and declare that I was the duly appointed and  
17 acting Official Stenographic Reporter for the Superior Court  
18 of the State of California, County of Fresno, on the hearing  
19 of the foregoing matter held May 17, 2011; that the foregoing  
20 is a complete, true and correct transcription of the  
21 stenographic notes as taken by me in said matter on said date.

22 Dated May 23, 2011.

23  
24   
25 STACY K. OBEL-JORGENSEN, CSR, RPR.  
26 Certificate No. 11988



## REQUEST FOR OVERNIGHT COURIER SERVICE (SACRAMENTO ONLY)

JUS 098 (Rev. 11/09) Page 1 of 1

**PLEASE NOTE:**  
THE FULL DOCKET NUMBER  
OR UNIT CODE IS REQUIRED  
AS SET FORTH IN THE  
EXAMPLES BELOW:

DATE: June 9, 2011

CASE/REFERENCE NAME: 82505 120 SA2010101624

DOCKET NO.: 00002-280-SA2000CX0000;

DOCKET/REFERENCE NUMBER: Sheriff Clay Parker, et al. v. The State of Calif  
GOLDEN STATE OVERNIGHT COURIER SERVICE (In-State Courier Service)

UNIT CODE: 181 (Tort)

- ☒ PRIORITY DELIVERY SERVICE (PDS) 10:30 a.m. - Metro Area; 12 Noon; 2:30 p.m.
- ☐ EARLY PRIORITY SERVICE (EPS) 8:00 a.m. - Metro Area; 9:30 a.m. (Noon Zones)
- ☐ SATURDAY DELIVERY SERVICE (SDS) (EXTRA CHARGE) 10:30 a.m. - Metro Area; 12 Noon; 2:30 p.m.
- ☐ SATURDAY EARLY PRIORITY SERVICE (EPS) (EXTRA CHARGE) 8:00 a.m. - Metro Area; 9:30 a.m. (Noon Zones)

**NOTE: SIGNATURE IS ALWAYS REQUIRED BY GOLDEN STATE OVERNIGHT UNLESS OTHERWISE INSTRUCTED NOT TO OBTAIN SIGNATURE.**

**FEDERAL EXPRESS**  
(Covered Area: \*\*U.S.A./\*\*Foreign Countries)

- ☐ PRIORITY OVERNIGHT ☐ OUT OF COUNTRY (Must use International Air Waybill & Invoice)
- ☐ SATURDAY DELIVERY ☐ SIGNATURE REQUIRED

**SPECIAL INSTRUCTIONS:**

Tracking No. 107131059

Notice of Appeal; and  
Appellant's Notice Designating Record On Appeal

**SHIPMENT FROM:**

Attorney/ParaLegal/Requestor:

Peter Krause

Division and Section:

Civil/Govt.

Secretary:

Brenda Apodaca

E-mail Address: Brenda.Apodaca@doj.ca.gov

Phone Number:

916/322-0230

**DELIVERY TO:**

Name:

Clerk of the Court  
Fresno County Superior Courthouse  
Appeals Department

Address:

1100 Van Ness Avenue  
4th Floor, Room 401  
Fresno, CA 93724-0002

Phone Number:

JA004302

## Shipment Tracking Results

### Shipment Details

|                  |                              |                 |                      |
|------------------|------------------------------|-----------------|----------------------|
| Ship To Name     | FRESNO COUNTY SUPERIOR COURT |                 |                      |
| Ship To Location | FRESNO, CALIFORNIA           |                 |                      |
| Delivery Status  | DELIVERED                    | Tracking Number | 107131059            |
| Ship Date        | 6/9/2011                     | Reference       | 82505120SA2010101624 |
| Delivery Date    | 6/10/2011                    | Service         | PDS                  |
| Delivery Time    | 9:19 AM                      | Signed For By   | R. Haro              |

### Transit Notes

| Date/Time         | Notes  |
|-------------------|--|
| 06/09/11 06:52 PM | ARRIVAL SCAN - DELIVERY SCHED FOR 06/10/2011 |
| 06/10/11 06:56 AM | ON ROUTE FOR DELIVERY                        |
| 06/10/11 09:19 AM | SHIPMENT DELIVERED                           |

|  |  |  |
|--|--|--|
| <b>SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO</b><br>Appeal Department, Central Division<br>1100 Van Ness Avenue<br>Fresno, California 93724-0002<br>(559) 457-4904 |  | FOR COURT USE ONLY<br><div style="font-size: 2em; font-weight: bold; text-align: center;">FILED</div> <div style="text-align: center;">JUN 14 2011</div> FRESNO COUNTY SUPERIOR COURT<br>By _____ DEPUTY |
| PLAINTIFF: <b>SHERIFF CLAY PARKER, ET AL.</b><br><br>DEFENDANT: <b>STATE OF CALIFORNIA, ET AL.</b>   |  |  |
| <b>NOTIFICATION OF FILING NOTICE OF APPEAL-CIVIL</b>   |  | CASE NUMBER:<br><b>10CECG02116</b>   |

Date of Judgment: **May 17, 2011**

Notice of Appeal filed on: **June 10, 2011**

Appeal is from: **Other An order after judgment under Code of Civil Procedure section 904.1(a)(3)-(13)**

Name of Judicial Officer: **Hon. Jeff Hamilton**

Name of Appellant(s): **State of California, et al.**

Attorney for Appellant/Appellant in Pro Per:  
**Peter A. Krause**

Bar Number: **185098**

Trial Court Party Designation: **Defendant**

Name of Respondent(s): **Sheriff Clay Parker**

Attorney for Respondent/Respondent in Pro Per:  
**C.D. Michel; Clint B. Monfort**

Bar Number: **144258; 255609**

Trial Court Party Designation: **Plaintiff**

(Attach additional sheets if necessary)

Following documents sent to Reviewing Court:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Notice of Appeal               | <input type="checkbox"/> Application for Waiver of Court Fees and Costs          |
| <input checked="" type="checkbox"/> Judgment or Order              | <input type="checkbox"/> Order on Application for Waiver of Court Fees and Costs |
| <input checked="" type="checkbox"/> Clerk's Certificate of Mailing | <input type="checkbox"/> Filing fee of \$655.00                                  |
| <input type="checkbox"/>   |  |

Date: **June 14, 2011**

Clerk, by

\_\_\_\_\_  
  
 [Signature]

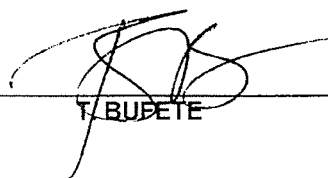
, Deputy

|  |             |
|--|-------------|
| CASE TITLE   | CASE NUMBER |
| SHERIFF CLAY PARKER, ET AL. v<br>STATE OF CALIFORNIA, ET AL. | 10CECG02116 |

**CLERK'S CERTIFICATE OF MAILING**

I certify that I am not a party to this cause and that a true copy of the **NOTIFICATION OF FILING NOTICE OF APPEAL - CIVIL** was mailed first class, unless otherwise indicated, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at **FRESNO**, California, on:

Date: **June 14, 2011**

Clerk, by , Deputy  
**T. BUPETE**

COURT OF APPEAL  
FIFTH APPELLATE DISTRICT  
2424 VENTURA ST  
FRESNO CA 93721  
(INTER-OFFICE MAIL)

Carl Dawson Michel  
Michel & Associates PC  
180 E Ocean Blvd Ste 200  
Long Beach, CA 90802

Peter Andrew Krause  
Office of the Attorney General  
1300 I St Ste 125  
Sacramento, CA 95814

☐ Clerk's Certificate of Mailing Additional Address Page Attached

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

**SHERIFF CLAY PARKER, TEHAMA  
COUNTY SHERIFF; HERB BAUER  
SPORTING GOODS; CALIFORNIA RIFLE  
AND PISTOL ASSOCIATION; ABLE'S  
SPORTING, INC.; RTG SPORTING  
COLLECTIBLES, LLC; AND STEVEN  
STONECIPHER,**

Plaintiffs and Respondents,

v.

**THE STATE OF CALIFORNIA; KAMALA  
D. HARRIS, in her official capacity as  
Attorney General for the State of California;  
AND THE CALIFORNIA DEPARTMENT  
OF JUSTICE,**

Defendants and Appellants.

Case No. F062490

Fresno County Superior Court, Case No. 10CECG02116  
The Honorable Jeff Hamilton, Judge

**STIPULATION FOR JOINT APPENDIX**

KAMALA D. HARRIS  
Attorney General of California  
DOUGLAS J. WOODS  
Senior Assistant Attorney General  
PETER A. KRAUSE  
Supervising Deputy Attorney General  
ROSS C. MOODY  
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Fax: (415) 703-1234  
E-mail: Ross.Moody@doj.ca.gov  
*Attorneys for Appellants State of  
California, Kamala Harris, and the  
California Department of Justice*

IT IS STIPULATED by and between plaintiffs and defendants through their attorneys of record that the contents of the Joint Appendix in this appeal and the consolidated appeal with case number F062709 will consist of the following documents:

|          |  |
|----------|--|
| 06/17/10 | Summons and Complaint for Declaratory and Injunctive Relief; Petition for Writ of Mandate (To Determine Validity of Statutes)  |
| 08/03/10 | Answer to Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate   |
| 09/07/10 | Notice of Motion and Motion for Preliminary Injunction;<br><br>Declaration of Barry Bauer in Support of Motion for Preliminary Injunction;<br><br>Declaration of Clinton B. Monfort in Support of Motion for Preliminary Injunction;<br><br>Declaration of Ray T. Giles in Support of Motion for Preliminary Injunction;<br><br>Declaration of Mike Haas in Support of Motion for Preliminary Injunction;<br><br>Declaration of Stephen Helsely in Support of Motion for Preliminary Injunction;<br><br>Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion for Preliminary Injunction;<br><br>Declaration of Steven Stonecipher in Support of Motion for Preliminary Injunction;<br><br>Declaration of Randy Wright in Support of Motion for Preliminary Injunction;<br><br>Exhibits 1-47 in Support of Motion for Preliminary Injunction;<br><br>Memorandum of Points and Authorities in Support of Motion for |

Preliminary Injunction;

Notice of Other Authorities in Support of Motion for Preliminary Injunction;

[Proposed] Order Granting Preliminary Injunction

|          |   |
|----------|---|
| 09/30/10 | Defendants' Memorandum of Points and Authorities in Opposition to Motion for Preliminary Injunction.  |
| 10/7/10  | Reply to Opposition to Plaintiffs' Motion for Preliminary Injunction; Supplemental Declaration of Clinton B. Monfort in Support of Motion for Preliminary Injunction. |
| 10/12/10 | Request for Judicial Notice in Support of Motion for Preliminary Injunction.  |
| 10/22/10 | Defendants' Case Management Conference Statement  |
| 10/29/10 | Plaintiffs' Case Management Conference Statement  |
| 11/07/10 | Minute Order Re: Status Conference, CMC, Motion for Preliminary Injunction  |
| 11/30/10 | Stipulation and Order to Modify Briefing Schedule for Motion for Summary Judgment   |
| 12/06/10 | Notice of Motion for Summary Judgment and/or Summary Adjudication of Issues:  |
|          | Memorandum of Points and Authorities in Support of motion;  |
|          | Separate Statement of Undisputed Facts in Support of Motion;  |
|          | Plaintiffs' Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial Brief;  |
|          | Notice of Lodging Federal Authorities in Support of Motion for Summary Judgment;  |
|          | Request for Judicial Notice;  |
|          | Declaration of Sean A. Brady in Support of Motion for Summary   |

Judgment;

Declaration of Clinton B. Monfort in Support of Motion for Summary Judgment;

Declaration of Stephen Helsey in Support of Motion for Summary Judgment;

Declaration of Brian Hall in Support of Motion for Summary Judgment;

Declaration of Michael Tenny in Support of Motion for Summary Judgment;

Declaration of Larry W. Potterfield, CEO Midway Arms Inc, dba Midway USA, in Support of Motion for Summary Judgment;

Declaration of Tom Allman, Mendocino County Sheriff-Coroner, in support of Motion for Summary Judgment;

Declaration of Steven Stonecipher in Support of Motion for Summary Judgment;

Declaration of Ray T. Giles in Support of Motion for Summary Judgment;

Declaration of Randy Wright in Support of Motion for Summary Judgment;

Declaration of Barry Bauer in Support of Motion for Summary Judgment;

Declaration of Clay Parker, Tehama County Sheriff, in Support of Motion for Summary Judgment.

12/23/10 Notice of Errata Re: Plaintiffs' Separate Statement of Undisputed Facts

01/03/11 Defendants' Memorandum of Opposition to Motion for Summary Judgment;

Defendants' Response to separate Statement of Undisputed Material Facts and Supplemental Statement of Undisputed Material Facts;

Declaration of Peter Krause in Support of Opposition to Motion for



Summary Judgment;

Declaration of Kimberly Granger in Support of Opposition to Motion for Summary Judgment;

Declaration of Blake Graham in Support of Opposition to Motion for Summary Judgment;

Defendants' Request for Judicial Notice in Support of Opposition to Motion for Summary Judgment;

Objection to Evidence and Declarations Submitted in Support of Plaintiffs' Motion for Summary Judgment;

Defendants' Evidence in Support of Opposition to Motion for Summary Judgment.

01/04/11 Defendants' Notice of Lodging Federal Authorities Cited in Defendants' Opposition to Motion for Summary Judgment.

01/07/11 Reply Memorandum of Points and Authorities in Support of Motion for Summary Judgment;

Stipulated Supplemental Separate Statement of Undisputed Facts in Support of Plaintiffs' Motion for Summary Judgment;

Supplemental Declaration of Clinton B. Monfort;  
Objection to Defendants' Evidence Offered in Opposition to Motion for Summary Judgment.

01/07/11 Plaintiffs' Evidentiary Objection to Defendants' Request for Judicial Notice.

01/07/11 Notice of Lodging Federal Authorities in Support of Plaintiffs' Reply to Opposition to Motion for Summary Judgment.

01/11/11 Defendants' Objections to Exhibits Attached to Supplemental Declaration of Clinton B. Monfort and Cited as Evidence in Plaintiffs' "Stipulated" Supplemental Separate Statement of Undisputed Facts; [Proposed] Order Thereon.

01/12/11 Notice of Lodgment of Blake Graham's Original Deposition Transcript Volume One in Support of Plaintiffs' Motion for Summary Judgment or

in the Alternative Summary Adjudication/Trial

01/12/11 Notice of Lodgment of Blake Graham's Original Deposition Transcript Volume Two in Support of Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial.

01/12/11 Notice of Erratum re: Plaintiffs' Evidence in Support of Reply to Opposition to Motion for Summary Judgment or in the alternative Summary Adjudication and Trial.

01/12/11 Notice of Lodging of Current Updated Version of Previously Filed Evidence in Support of Motion for Summary Judgment or in the Alternative for Summary Adjudication/Trial.

01/13/11 Plaintiffs' Notice of Motion and Motion to Challenge Qualifications and Foundation of Defendants' Expert Witness Blake Graham to Offer Testimony at Hearing and Trial;

Memorandum of Points and Authorities Demonstrating Preliminary Facts in Dispute;

Declaration of Clinton B. Monfort in Support.

01/18/11 Defendants' Memorandum of Points and Authorities in Opposition to Plaintiffs' Motion for an Evidentiary Hearing re: Qualification of Expert Witness Blake Graham;

Declaration of Peter A. Krause in Support of Opposition.

01/20/11 01/18/11 Amended Minute Order

02/01/11 01/31/11 Minute Order and Copy of Order Denying Plaintiffs' Motion for Summary Judgment and Granting in Part and Denying in Part Plaintiffs' Motion for Summary Adjudication.

02/28/11 Notice of Entry of Judgment.

03/10/11 Memorandum of Costs (Summary)

04/01/11 The State's Notice of Motion and Motion to Tax Costs;

Appendix of Non-California Authorities in Support of the State's Motion to Tax Costs;

|          |  |
|----------|--|
|          | Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs;  |
|          | Declaration of Peter A. Krause in Support Thereof.   |
| 04/20/11 | Memorandum of Points and Authorities in Opposition to Tax Costs;   |
|          | Declaration of C.D. Michel in Support of Opposition;   |
|          | Declaration of Clinton B. Monfort in Support of Opposition;  |
|          | Lodging of Exhibits A-F.   |
| 04/26/11 | Reply Memorandum of Points and Authorities in Support of the State's Motion to Tax Costs; Supplemental Declaration of Peter Krause in Support Thereof. |
| 05/13/11 | Notification of Filing Notice of Appeal.   |
| 05/17/11 | Amended Notification of Filing Notice of Appeal.   |
| 05/17/11 | Ruling – Defendants' Motion to Tax Costs.  |
| 06/09/11 | Notice of Appeal;  |
|          | Appellant's Notice of Designating Record on Appeal.  |
| 06/14/11 | Notification of Filing Notice of Appeal – Civil;   |
|          | Clerk's Certification of Mailing.  |
|          | Stipulation for Joint Appendix.  |

Dated: February 21, 2012

KAMALA D. HARRIS  
Attorney General of California

By: 

ROSS C. MOODY  
Deputy Attorney General  
*Attorneys for Appellants State of  
California, Kamala Harris, and the  
California Department of Justice*

Dated: February 17, 2012

MICHEL AND ASSOCIATES, P.C.

By: 

C. D. MICHEL  
Attorney At Law  
*Attorneys for Respondents Sheriff  
Clay Parker, Tehama County Sheriff,  
Herb Bauer Sporting Goods,  
California Rifle And Pistol  
Association, Able's Sporting, Inc.,  
RTG Sporting Collectibles, LLC., and  
Steven Stonecipher*

SA2011101434  
40531269.doc

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Sheriff Clay Parker, et al. v. State of California, et al.**

No.: **F062490**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On February 22, 2012, I served the attached **STIPULATION FOR JOINT APPENDIX** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Carl Dawson Michel, Esq.  
Clinton Barnwell Monfort, Esq.  
Michel and Associates, PC  
180 East Ocean Blvd., Ste. 200  
Long Beach, CA 90802  
(Attorney for Respondents)

County of Fresno  
Civil Division - B.F. Sisk Courthouse  
Superior Court of California  
B.F. Sisk Courthouse  
1130 O Street  
Fresno, CA 93721-2220

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 22, 2012, at San Francisco, California.

\_\_\_\_\_  
J. Wong  
Declarant

\_\_\_\_\_  
  
Signature

SA2011101434  
40534327.doc

JA004314

**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Sheriff Clay Parker, et al. v. State of California, et al.**

No.: **F062490**

I declare:


I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On February 22, 2012, I served the attached **JOINT APPENDIX, VOLUME XV, Pages JA004201-JA004314** by placing a true copy thereof enclosed in a sealed envelope with the Golden State Overnight, addressed as follows:

Carl Dawson Michel, Esq.  
Clinton Barnwell Monfort, Esq.  
Michel and Associates, PC  
180 East Ocean Blvd., Ste. 200  
Long Beach, CA 90802  
(Attorneys for Respondents)

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 22, 2012, at San Francisco, California.

\_\_\_\_\_  
J. Wong  
Declarant

\_\_\_\_\_  
  
Signature