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Attorneys for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO

SHERIFF CLAY PARKER, TEHAMA)	CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)	
SPORTING GOODS; CALIFORNIA RIFLE)	PLAINTIFFS' NOTICE OF MOTION AND
AND PISTOL ASSOCIATION)	MOTION FOR ATTORNEYS FEES
FOUNDATION; ABLE'S SPORTING,)	
INC.; RTG SPORTING COLLECTIBLES,)	
LLC; AND STEVEN STONECIPHER,)	Date: July 7, 2011
)	Time: 3:30 p.m.
)	Location: Dept. 402
Plaintiffs and Petitioners,)	Judge: Hon. Jeffrey Y. Hamilton
)	Action Filed: June 17, 2010
vs.)	
)	
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.)	

1 **NOTICE OF MOTION AND MOTION FOR ATTORNEYS FEES**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT, on July 7, 2011 at 3:30 p.m., or as soon thereafter as the
4 matter may be heard in Department 402 of the above-entitled Court, located at 1130 O Street,
5 Fresno, California 93721, Plaintiffs and Petitioners Sheriff Clay Parker, Herb Bauer Sporting
6 Goods, California Rifle & Pistol Association Foundation, Able's Sporting, Inc., RTG Sporting
7 Collectibles, LLC, and Steven Stonecipher (collectively, "Plaintiffs") will, and hereby do, move
8 for an award of attorneys fees against Defendants and Respondents the State of California,
9 Attorney General Kamala D. Harris in her official capacity, and the California Department of
10 Justice (collectively, "Defendants").


11 This motion is brought pursuant to California Code of Civil Procedure section 1021.5 and
12 Rule 3.1702 of the California Rules of Court, on the grounds that Plaintiffs are the prevailing
13 parties, they have enforced an important right affecting the public interest, conferred a significant
14 benefit upon a large class of persons, and the necessity and financial burden of private
15 enforcement make such award appropriate.

16 This motion is based upon this Notice, the Memorandum of Points and Authorities in
17 Support of Plaintiffs' Motion for Attorneys Fees, the declarations of C. D. Michel, Clinton B.
18 Monfort, Joshua R. Dale, Sean A. Brady, and Jason A. Davis, and exhibits "A - M" filed
19 concurrently herewith, and all pleadings, records, and files on record herein, those matters of
20 which the Court may take judicial notice, and upon such oral argument as may be made at the
21 hearing on this matter.

22 Date: May 16, 2011

Respectfully Submitted,

23 **MICHEL & ASSOCIATES, PC**

24 

25 C. D. Michel
26 Attorney for Plaintiffs/Petitioners

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,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

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

7 **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR ATTORNEYS FEES**

8 on the interested parties in this action by placing

9 ☐ the original

☒ a true and correct copy

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

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

15 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
16 processing correspondence for mailing. Under the practice it would be deposited with the
17 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
California, in the ordinary course of business. I am aware that on motion of the party
18 served, service is presumed invalid if postal cancellation date is more than one day after
date of deposit for mailing an affidavit.
Executed on May 16, 2011, at Long Beach, California.

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

23 — (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used complies
with California Rules of Court, Rule 2003, and no error was reported by the machine.
24 Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a transmission
record of the transmission, copies of which is attached to this declaration.
25 Executed on May 16, 2011, at Long Beach, California.

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

27 
28 CLAUDIA AYALA