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6 Attorneys for Plaintiffs/Petitioners

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF FRESNO

10 SHERIFF CLAY PARKER, TEHAMA ) CASE NO. 10CECG02116  
11 COUNTY SHERIFF; HERB BAUER )  
SPORTING GOODS; CALIFORNIA RIFLE ) **[PROPOSED] ORDER GRANTING AWARD**  
12 AND PISTOL ASSOCIATION ) **OF ATTORNEY FEES**  
FOUNDATION; ABLE'S SPORTING, )  
13 INC.; RTG SPORTING COLLECTIBLES, )  
LLC; AND STEVEN STONECIPHER, )

14 ) Date: July 7, 2011  
15 ) Time: 3:30 p.m.  
16 ) Location: Dept. 402  
17 ) Judge: Hon. Jeffrey Y. Hamilton  
18 ) Action Filed: June 17, 2010  
19 Plaintiffs and Petitioners, )  
20 vs. )  
21 )

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

20 Defendants and Respondents. )  
21 )

22 Plaintiffs and Petitioners Sheriff Clay Parker, Herb Bauer Sporting Goods, California Rifle  
23 & Pistol Association, Able's Sporting, Inc., RTG Sporting Collectibles, LLC, and Steven  
24 Stonecipher (collectively, "Plaintiffs") have moved for an award of reasonable attorneys fees,  
25 payable to their counsel, against Defendants and Respondents State of California, Attorney  
26 General Kamala D. Harris, and the California Department of Justice (collectively, "Defendants").  
27 Plaintiffs' motion came on regularly for hearing on July 7, 2011 at 3:27 p.m. in Department 402 of  
28 the Superior Court of California, County of Fresno, located at 1130 O Street, Fresno, California

93721.

The Court, having carefully reviewed the record in the case and the written arguments and declarations submitted by all sides, and having considered the oral argument presented, orders as follows:

#### **Entitlement to Fees**

Plaintiffs are entitled to an award of attorneys fees under Code of Civil Procedure section 1021.5. The Court finds that there were important rights involved in this matter, and that the litigation conferred significant benefits on the general public.

#### **Reasonable Lodestar Amount**

The hourly rates claimed, as summarized in the chart below, are reasonable in light of the skill, expertise, and reputation of Plaintiffs' attorneys.

<b>Biller</b>	<b>Title</b>	<b>Rate</b>	<b>Pre- Judgment Hours</b>	<b>Pre- Judgment Fees</b>	<b>Post Judgment Hours</b>	<b>Total Post Judgment Fees</b>
Ayala	Paralegal	\$85.00	81.6	\$6,936.00	20.1	\$1,708.50
Barvir	Law Clerk	\$100.00	337.5	\$33,750.00	129.4	\$12,940.00
Brady	Attorney	\$250.00	361.5	\$90,375.00	3.4	\$850.00
Dale	Attorney	\$375.00	113.4	\$42,525.00	0.5	\$187.50
Michel	Attorney	\$450.00	41.1	\$18,495.00	14.0	\$6,300.00
Monfort	Attorney	\$325.00	628.9	\$204,392.50	25.7	\$8,352.50
<b>Total</b>			<b>1567.5</b>	<b>\$396,473.50</b>	<b>193.1</b>	<b>\$30,338.50</b>

#### **Reasonable Number of Hours**

The Court finds the number of hours claimed by Plaintiffs is reasonable.

#### **Lodestar Multiplier**

The Court grants Plaintiffs' request to modify the lodestar with a 1.5 multiplier for the work on the merits of the case. The Court will not apply a lodestar multiplier for work done on

1 post-hearing activities, including the attorneys fee motion.

2 **Disposition**

3 GOOD CAUSE APPEARING, THEREFORE, IT IS HEREBY ORDERED THAT:

4 Plaintiffs' Motion for Attorneys Fees is GRANTED against Defendants the State of  
5 California, Kamala D. Harris, in her official capacity as Attorney General for the State of  
6 California, and the California Department of Justice, jointly and severally, as follows:

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<b>Loadstar Amount</b>	\$	396,473.50
<b>Multiplier</b>	x	1.5
<hr/>		
<b>Total Attorney Fees</b>	\$	594,710.25
<b>Post Hearing Fees</b>	\$	30,338.50
<hr/>		
<b>Grand Total</b>	\$	625,048.75

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13 IT IS SO ORDERED.

14 Dated: \_\_\_\_\_

15  
16 Honorable Jeffery Y. Hamilton  
Judge of the Superior Court

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PROOF OF SERVICE

STATE OF CALIFORNIA  
COUNTY OF FRESNO

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

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

**[PROPOSED] ORDER GRANTING AWARD OF ATTORNEY FEES**

on the interested parties in this action by placing  
[ ] the original  
[X] a true and correct copy  
thereof enclosed in sealed envelope(s) addressed as follows:

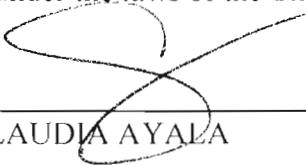
Kamala D. Harris  
Attorney General of California  
Zackery P. Morazzini  
Supervising Deputy Attorney General  
Peter A. Krause  
Deputy Attorney General  
1300 I Street, Suite 125  
Sacramento, CA 94244-2550

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

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

— (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. 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.  
Executed on May 16, 2011, at Long Beach, California.

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

  
\_\_\_\_\_  
CLAUDIA AYALA