1	KAMALA D. HARRIS	
2	Attorney General of California PETER A. KRAUSE Supervising Deputy Attorney General	
3	State Bar No. 185098 1300 I Street, Suite 125	
4	P.O. Box 944255 Sacramento, CA 94244-2550	
5	Telephone: (916) 324-5328 Fax: (916) 324-8835	
6	E-mail: <u>Peter.Krause@doj.ca.gov</u>	
7	Attorneys for Defendants and Respondents State of California, Kamala Harris, DOJ	
8	SUPERIOR COURT OF THE ST.	ATE OF CALIFORNIA
9	COUNTY OF FR	RESNO
10		
11		
12		Case No. 10CECG02116
13		(1) THE STATE'S OBJECTIONS TO
14	SHERIFF CLAY PARKER, et al.,	THE DECLARATION OF CLINTON MONFORT
15	Plaintiffs and Petitioners,	SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR
16	v.	ATTORNEYS' FEES;
17		(2) [PROPOSED] ORDER THEREON
18	THE STATE OF CALIFORNIA, et al.,	[BY FAX]
19	Defendants and Respondents.	
20		Date: July 26, 2011 Time: 3:30 p.m.
21	·	Dept: Dept. 402 Judge: The Honorable Jeff Hamilton
22		Action Filed: June 17, 2010
23	Defendants and respondents the State of Californ	nia, Kamala Harris, and the California
24	Department of Justice (collectively, the "State") make	the following objections to the Declaration
25	of Clinton B. Monfort in Support of Plaintiffs' Motion	for Attorneys' Fees and to certain exhibits
26	offered by Monfort in support of the Motion for Attorn	neys' Fees.
27	,-	
28		
	1	·

1

2

3	•		
	EVIDENCE	GROUNDS FOR OBJECTION	COURT'S
4	OBJECTED TO		RULING
5	<b>OBJECTIONS TO DECLARATION</b>	N OF CLINTON B. MONFORT IN S	SUPPORT OF
	MOTION FOR ATTORNEYS' FEES		
6	Paragraph 69 (16:22-27): Sean A.	1. Lacks Foundation (§	Sustained
_	Brady billed approximately 68.1	403) and Personal Knowledge	Overruled
7	hours during this pre-litigation	(§ 702): The declarant has not	
8	phase, during which time Mr. Brady	proffered any preliminary	
0	conducted legal research and helped	evidence to establish personal	
9	draft and review memoranda	knowledge or to lay the	,
	addressing all possible theories	foundation that Mr. Brady	
10	regarding he unconstitutionality of	actually performed the work	
11	the Challenged Provisions, helped	described and has not satisfied	
11	draft and revise the Complaint,	any of the exceptions to section	
12	communicated with Plaintiffs and	403(a).	,
	potential plaintiffs regarding	·	·
13	participation in this litigation, and		
	engaged in discussions with myself,		
14	C.D. Michel, outside counsel, and		
15	firearms and ammunition experts.	0 H (F.11 C.1)	0
10		2. Hearsay (Evid. Code,	Sustained
16	<u> </u>	§ 1200): The statement summarizes what another person	Overruled
	·	claims to have billed in the case	,
17		and none of the exceptions	
18		apply.	
	Paragraph 70 (15-16: 28-2): C.D.	3. Lacks Foundation (§	Sustained
19	Michel spent approximately 13.3	403) and Personal Knowledge	Overruled
20	hours reviewing and revising the	(§ 702): The declarant has not	Overfuled
20	Complaint, analyzing the merits of	proffered any preliminary	
21	Plaintiffs' claims, and coordinating	evidence to establish personal	
~ .	litigation efforts among existing	knowledge or to lay the	
22	clients and additional plaintiffs.	foundation that Mr. Michel	
	r and a second	actually performed the work	
23		described and has not satisfied	
24		any of the exceptions to section	
27		403(a).	
25		4. Hearsay (Evid. Code,	Sustained
		§ 1200): The statement	Overruled
26	_	summarizes what another person	
27		claims to have billed in the case	
41		and none of the exceptions	
28	<u> </u>	apply.	
	`	2	

1			
2			
3	Paragraph 72 (16:15-17): Of the	5. Lacks Foundation (§	Sustained
4	15.2 hours spent researching,	403) and Personal Knowledge	Overruled
_	tracking, and analyzing Assembly	(§ 702): The declarant has not	
5	Bill 2358, 4.0 hours were billed by	proffered any preliminary	
6	my paralegal, Claudia Ayala, tracking the bill's progress and	evidence to establish personal knowledge or to lay the	
7	status, research and reviewing	foundation that Ms. Ayala	
/	relevant history and hearings, and	actually performed the work	
8	contacting Plaintiffs' expert witness.	described and has not satisfied	
9		any of the exceptions to section 403(a).	
10		6. Hearsay (Evid. Code,	Sustained
		§ 1200): The statement summarizes what another person	Overruled
11		claims to have billed in the case	
12		and none of the exceptions	
10		apply.	
13	Paragraph 73 (16:18-19): Of the	7. Lacks Foundation (§	Sustained
14	15.2 hours spent researching,	403) and Personal Knowledge	Overruled
	tracking, and analyzing Assembly	(§ 702): The declarant has not	•
15	Bill 2358, 0.6 hours were billed by my law clerk, Anna Barvir.	proffered any preliminary evidence to establish personal	
16	my law clerk, Aima Barvir.	knowledge or to lay the	
17	·	foundation that Ms. Barvir	
17		performed the work described	
18		and has not satisfied any of the	
19		exceptions to section 403 (a).	Cratainad
19	·	8. Hearsay (Evid. Code, § 1200): The statement	Sustained Overruled
20		summarizes what another person	Overrared
21		claims to have billed in the case	
۷۱		and none of the exceptions	
22	1	apply.	
23	Paragraph 74 (16:20-22): Of the	9. Lacks Foundation (§	Sustained
	15.2 hours spent researching,	403) and Personal Knowledge (§ 702): The declarant has not	Overruled
24	tracking, and analyzing Assembly Bill 2358, 4.7 hours were billed by	proffered any preliminary	
25	Sean A. Brady who also engaged in	evidence to establish personal	
:	communications with Plaintiffs and	knowledge or to lay the	
26	Plaintiffs' expert witnesses.	foundation that Mr. Brady	
27		actually performed the work	
		described and has not satisfied any of the exceptions to section	
28		3	
	1		

			·
1		403(a).	
2			
3		10. Hearsay (Evid. Code,	Sustained
4		§ 1200): The statement	Overruled
5		summarizes what another person claims to have billed in the case and none of the exceptions	
7	Paragraph 75 (16:23-24): Of the	apply.  11. Lacks Foundation (§	Sustained
	hours spent researching, tracking,	403) and Personal Knowledge	Overruled
8	and analyzing Assembly Bill 2358,	(§ 702): The declarant has not	
9	1.5 hours were billed by C.D.  Michel, who also engaged in	proffered any preliminary evidence to establish personal	
10	communications with Plaintiffs.	knowledge or to lay the	,
11		foundation that Mr. Michel actually performed the work	
	, .	described and has not satisfied	
12		any of the exceptions to section 403(a).	
13		12. Hearsay (Evid. Code,	Sustained
14		§ 1200): The statement	Overruled
15		summarizes what another person claims to have billed in the case	
		and none of the exceptions	
16		apply.	
17	Paragraph 79 (18:1-3): Claudia Ayala spent approximately 1.6 hours	13. Lacks Foundation (§ 403) and Personal Knowledge	Sustained Overruled
18	formatting Plaintiffs' documents for	(§ 702): The declarant has not	
19	filing and preparing tables, evidence, and exhibits submitted in support of	proffered any preliminary evidence to establish personal	
20	Plaintiffs' Motion for Preliminary	knowledge or to lay the	
	Injunction.	foundation that Ms. Ayala performed the work described	·
21		and has not satisfied any of the	
22		exceptions to section 403(a).	0
23		14. Hearsay (Evid. Code, § 1200): The statement	Sustained Overruled
24		summarizes what another person	- \
25		claims to have billed in the case and none of the exceptions	
		apply.	
26			
27			, .
28		4	
		4	

1			
2			
3	Paragraph 80 (18:4-16): My law	15. Lacks Foundation (§	Sustained
4	clerk, Anna Barvir, spent approximately 134.0 hours	403) and Personal Knowledge (§ 702): The declarant has not	Overruled
5	researching, drafting, and otherwise preparing Plaintiffs' Motion for	proffered any preliminary evidence to establish personal	
6	Preliminary Injunction. Of this time:	knowledge or to lay the	
7	Ms. Barvir spent approximately 84.3 hours researching and drafting rough	foundation that Ms. Barvir actually performed the work	
8	drafts of Plaintiffs' Motion for	described and has not satisfied	
9	Preliminary Injunction, as well as drafting and revising Plaintiffs'	any of the exceptions to section 403(a).	
10	Reply memorandum. Ms. Barvir spent approximately 0.3 hours		
11	drafting e-mails to me regarding the preparation of this Motion, and		
12	approximately 3.6 hours meeting		THE PARK THE
13	with Mr. Brady, Mr. Michel and I regarding litigation strategy relating	,	DITTE COMMENTAL TO THE PROPERTY OF THE PROPERT
14	to Plaintiffs' Motion for Preliminary Injunction. Ms. Barvir spent		
15	approximately 3.0 hours preparing, assembling, and reviewing		
16	supporting documents and evidence		·
17	filed in support of this motion, and approximately 0.4 hours	·	
18	participating in telephone conferences co-counsel. Ms. Barvir		
19	spent approximately 2.5 hours analyzing issues arising under		
20	Plaintiffs' Motion for Preliminary		
21	Injunction, and analyzing Defendants' Opposition to Plaintiffs'	,	
22	Motion for Preliminary Injunction. Ms. Barvir spent 39.9 hours		
23	reviewing, revising, cite checking, and proofreading all documents filed		
24	by Plaintiffs' in support of Plaintiffs'		
25	Motion for Preliminary Injunction.	16. Hearsay (Evid. Code,	Sustained
26	. · · · · · · · · · · · · · · · · · · ·	§ 1200): The statement summarizes what another person	Overruled
27		claims to have billed in the case and none of the exceptions	
28		5	

1		apply.	·
2			
3			
4	Paragraph 81 (18:17-26): Sean A. Brady spent approximately 75.5	17. Lacks Foundation (§ 403) and Personal Knowledge	Sustained Overruled
7	hours assisting in the preparation of	(§ 702): The declarant has not	Oventured
5	Plaintiffs' Motion for Preliminary	proffered any preliminary	
6	Injunction. Of that time, Mr. Brady	evidence to establish personal	
	spent a significant amount of time assembling, coordinating, and	knowledge or to lay the foundation that Mr. Brady	
7	facilitating the filing of all	actually performed the work	,
8	declarations submitted in support of	described and has not satisfied	·
9	Plaintiffs' Motion for Preliminary	any of the exceptions to section	
	Injunction. Mr. Brady also devoted significant hours to proofreading and	403(a).	
10	revising Plaintiffs' Motion and	3	
11	Reply, and research and assembling		
12	supporting exhibits. Mr. Brady also provided crucial litigation strategy		r
12	support for Ms. Barvir and I	,	
13	regarding practical firearms and		
14	ammunition related questions,		,
1.5	including issues regarding ammunition function, appearance,	,	
15	labeling, packaging, and non-		
16	technical layman and firearm		
17	enthusiast nomenclature. Mr. Brady	·	
	also provided valuable analysis relating to an examination of all		
18	possible scenarios under which		
19	Defendants might claim the		
20	Challenged Provisions provide a valid application.		
20	vand application.	18. Hearsay (Evid. Code,	Sustained
21		§ 1200): The statement	Overruled
22	v	summarizes what another person	
		claims to have billed in the case	
23		and none of the exceptions apply.	,
24	Paragraph 87 (20:4-6):	19. Lacks Foundation (§	Sustained
25	Approximately 26.2 hours were	403) and Personal Knowledge	Overruled
25	spent by my law clerk, Anna Barvir,	(§ 702): The declarant has not	
26	proofreading and revising discovery	proffered any preliminary	
	requests and responses, assisting in	evidence to establish personal	
27	deposition preparation, and analyzing deposition testimony.	knowledge or to lay the foundation that Ms. Barvir	
28	analyzing deposition testimony.	6	
		U	

2		actually performed the work described and has not satisfied any of the exceptions to section 403(a).	
3	·	20. Hearsay (Evid. Code,	Sustained
4 5		§ 1200): The statement summarizes what another person claims to have billed in the case	Overruled
6		and none of the exceptions apply.	`
7	Paragraph 88 (20:7-10):	21. Lacks Foundation (§	Sustained
8	Approximately 51.7 hours were spent by Sean A. Brady analyzing	403) and Personal Knowledge (§ 702): The declarant has not	Overruled
9	discovery responses, preparing discovery responses to Defendants'	proffered any preliminary evidence to establish personal	
10	request for production of documents, assisting in preparation of the	knowledge or to lay the foundation that Mr. Brady	
11	deposition of Defendants' expert witness, assisting in preparation for	actually performed the work described and has not satisfied	
12	depositions noticed by Defendants,	any of the exceptions to section	
13	and analyzing and reviewing deposition testimony.	403(a).	
14		22. Hearsay (Evid. Code,	Sustained Overruled
15		§ 1200): The statement summarizes what another person	Overruled
16		claims to have billed in the case and none of the exceptions apply.	
17	Paragraph 89 (20: 11-16):	23. Lacks Foundation (§	Sustained
18	Approximately 61.2 hours were	403) and Personal Knowledge	Overruled
19	spent by Joshua Dale traveling to and defending the depositions of	(§ 702): The declarant has not proffered any preliminary	
20	Steven Helsley and Barry Bauer/Bauer Sporting Goods/Steven	evidence to establish personal knowledge or to lay the	
21	Stonecipher that were noticed by  Defendants to occur in Sacramento	foundation that Mr. Dale actually performed the work	
22	and Fresno California respectively,	described and has not satisfied	
23	taking the deposition of Defendants' expert witness, and defending the	any of the exceptions to section 403(a).	
24	deposition of Sheriff Clay Parker,		
25	analyzing and reviewing deposition testimony, and assisting in		
26	preparation of Defendants' extensive requests for production of		
27	documents.	24. Hearsay (Evid. Code,	Sustained
		§ 1200): The statement	Overruled
28		7	

1		summarizes what another person	
		claims to have billed in the case	
2		and none of the exceptions	
3		apply.	
	Paragraph 94 (22:6-23): My law	25. Lacks Foundation (§	Sustained
4	clerk, Anna Barvir, spent	403) and Personal Knowledge	Overruled
_	approximately 176.7 hours preparing	(§ 702): The declarant has not	
5	for Plaintiffs' Motion for Summary	proffered any preliminary	
6	Judgment or in the Alternative for	evidence to establish personal	
0	Summary Adjudication/Trial. The	knowledge or to lay the	
7	time Ms. Barvir spent preparing for	foundation that Ms. Barvir	
	this motion and trial is broken down	actually performed the work	
8	as follows: Ms. Barvir spent	described and has not satisfied	
	approximately 87.9 hours drafting	any of the exceptions to section	
9	Plaintiffs' Motion and supporting	403(a).	
10	documents (of this 87.9 hours she		
10	spent approximately 47.5 hours	. ,	
11	drafting Plaintiffs' Notice of Motion		
	and Motion and Plaintiff's		
12	supporting memorandum of points		
12	and authorities, she spent		
13	approximately 28.4 hours drafting		
14	Plaintiff's supporting Reply		
	memorandum, she spent		
15	approximately 8.2 hours drafting		
	Plaintiffs' supporting Separate		
16	Statements of Undisputed Facts, and		
17	approximately 3.5 hours drafting		
1/	additional supporting documents,	,	
18	including supporting declarations	_	
	and objections to evidence); Ms.	, ·	
19	Barvir spent approximately 0.2 hours	-	
20	drafting e-mails to co-counsel: Ms.		
20	Barvir spent approximately 49.5 hours conducting legal research and	·	
21	other research in support of		
	Plaintiffs' claims and to address		
22	Defendants' various legal and	·	
23	factual defenses and claims: Ms.		
23	Barvir spent approximately 8.1 hours	· ,	
24	meeting with co-counsel discussing		
	litigation strategy, revisions to		
25	filings, and legal and evidentiary		
2	issues; Ms. Barvir spent		
26	approximately 4.9 hours preparing,		,
27	assembling, and reviewing exhibits	-	
	and declarations, and supporting		
28		2	
		8	

•			
1	documents and pleadings for filing,		
2	and assisting me in preparation for hearing; Ms. Barvir spent		. •
3	approximately 15.3 hours reviewing and revising documents filed in		
4	support of Plaintiffs' Motion, and		
5	she spent approximately .8 hours participating in telephone		
6	conferences with co-counsel, Plaintiffs, and Plaintiffs' expert		
7	witness.	26. Hearsay (Evid. Code,	Sustained
8.		§ 1200): The statement summarizes what another person	Overruled
9		claims to have billed in the case	
10		and none of the exceptions apply.	
11	Paragraph 95 (22-23:24-13): Sean	27. Lacks Foundation (§	Sustained
12	Brady spent approximately 161.5 hours preparing for Plaintiffs'	403) and Personal Knowledge (§ 702): The declarant has not	Overruled
13	Motion for Summary Judgment or in the Alternative for Summary	proffered any preliminary evidence to establish personal	
14	Adjudication/Trial. The time Mr.	knowledge or to lay the	
15	Brady spent preparing this motion and for trial is broken down as	foundation that Mr. Brady actually performed the work	
16	follows: Mr. Brady spent 65.8 hours analyzing and developing litigation	described and has not satisfied any of the exceptions to section	·
17	strategies, analyzing deposition testimony and evidence, and	403(a).	,
18	analyzing Defendants' Opposition		
19	brief in supporting evidence: Mr. Brady spent approximately 25.2		
20	hours drafting Plaintiffs' portions of Plaintiffs' Motion for Summary		
21	Judgment and supporting documents; Mr. Brady spent		
22	approximately 1.0 hour drafting e-		
23	mails to co-counsel, Plaintiffs, and Plaintiffs' expert witness: Mr. Brady		
24	spent approximately 6.5 hours conducting legal research and other		
25	research in support of Plaintiffs' claims and to address Defendants'		
26	various legal and factual defenses		
27	and claims; Mr. Brady spent approximately 8.0 hours meeting		
28	with co-counsel discussing litigation	9	

1 2	strategy, revisions to filings, and legal evidentiary issues; Mr. Brady spent approximately 28.2 hours		
3	preparing, assembling, and reviewing exhibits, declarations, and		
4	supporting documents and pleadings for filings and preparing for hearing		
5	and trial; Mr. Brady spent approximately 12.2 hours reviewing	•	
6	and revising documents filed in support of Plaintiffs' Motion; Mr.		
7	Brady spent approximately 3.3 hours	·	
8	participating in telephone conferences with co-counsel,		
9	Plaintiffs, and Plaintiffs' expert witness, Mr. Brady spent		
11	approximately 9.0 traveling to hearing on Plaintiffs' Motion; and		\$
12	Mr. Brady billed approximately 2.3 hours while appearing at the hearing		
13.	on Plaintiffs' Motion.	28. Hearsay (Evid. Code,	Sustained
14		§ 1200): The statement summarizes what another person	Overruled
15		claims to have billed in the case and none of the exceptions	
16		apply.	
17 18	Paragraph 96 (23:14-27): Joshua	29. Lacks Foundation (§	Sustained
19	Dale spent approximately 52.2 hours assisting in preparation for	403) and Personal Knowledge (§ 702): The declarant has not	Overruled
20.	Plaintiffs' Motion for summary Judgment. Mr. Dale's assistance	proffered any preliminary evidence to establish personal	
21	was required to ensure timely and effective preparation and filing of	knowledge or to lay the foundation that Mr. Dale	
22	Plaintiffs' motion and supporting documents in light of the extremely	actually performed the work described and has not satisfied	
23	expedited briefing scheduled agreed	any of the exceptions to section 403(a).	
24	upon by the parties following Defendants' prior decisions to	703(a).	
25	decline plaintiffs' request to stipulate to an expedited briefing schedule.		
26	Mr. Dale's litigation assistance under these circumstances was		
27	reasonable and reflects competent case management in litigating cases		
28		10	

			i
1	such as this, of widespread		
	consequence, given Mr. Dales'	•	
2	extensive civil litigation experience.		
.	The hours billed by Mr. Dale in		,
3	support of Plaintiffs' Motion for	· ·	
4	Summary Judgment or in the		
.	Alternative for Summary		
5	Adjudication/Trial were spent		
	analyzing, reviewing, and lodging		
6	relevant deposition testimony,	·	·
7	providing consulting and litigation		
′	support with regard to litigation		
-8	strategies and case management		
	under sever time constraints,		
: 9	analyzing and reviewing evidence		
10	submitted in support of Defendants'		
10	Opposition, Drafting Objections to		
11	Defendants' Evidence, drafting and		
* *	revising Plaintiffs' Separate	,	•
12	Statements of Undisputed Facts, and		
	reviewing and revising documents		
13	filed in support of Plaintiffs' Motion.		
14		30. Hearsay (Evid. Code,	Sustained
7-7		§ 1200): The statement	Overruled
	I 4		
15		summarizes what another person	,
		claims to have billed in the case	
15 16		claims to have billed in the case and none of the exceptions	,
16		claims to have billed in the case and none of the exceptions apply.	
		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The	Sustained
16		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear	Sustained Overruled
16 17 18		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale	
16 17		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby	i
16 17 18 19		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State	i
16 17 18		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative	
16 17 18 19		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale	
16 17 18 19 20 21		claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.	Overruled
16 17 18 19 20	Paragraph 97 (23-24:28-4): C.D.	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§	Overruled Sustained
16 17 18 19 20 21 22	Michel spent approximately 25.2	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge	Overruled
16 17 18 19 20 21	Michel spent approximately 25.2 hours reviewing and revising	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not	Overruled Sustained
16 17 18 19 20 21 22 23	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary	Overruled Sustained
16 17 18 19 20 21 22	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal	Overruled Sustained
16 17 18 19 20 21 22 23	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of Plaintiffs' Motion, Plaintiffs' Reply	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal knowledge or to lay the	Overruled Sustained
16 17 18 19 20 21 22 23 24 25	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of Plaintiffs' Motion, Plaintiffs' Reply memorandum filed in support of	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal knowledge or to lay the foundation that Mr. Michel	Overruled Sustained
16 17 18 19 20 21 22 23 24	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of Plaintiffs' Motion, Plaintiffs' Reply memorandum filed in support of Plaintiffs' Motion, analyzing,	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal knowledge or to lay the foundation that Mr. Michel actually performed the work	Overruled Sustained
16 17 18 19 20 21 22 23 24 25 26	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of Plaintiffs' Motion, Plaintiffs' Reply memorandum filed in support of Plaintiffs' Motion, analyzing, discussing, and coordinating	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal knowledge or to lay the foundation that Mr. Michel actually performed the work described and has not satisfied	Overruled Sustained
16 17 18 19 20 21 22 23 24 25 26 27	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of Plaintiffs' Motion, Plaintiffs' Reply memorandum filed in support of Plaintiffs' Motion, analyzing, discussing, and coordinating litigation strategies, consulting with	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal knowledge or to lay the foundation that Mr. Michel actually performed the work described and has not satisfied any of the exceptions to section	Overruled Sustained
16 17 18 19 20 21 22 23 24 25 26	Michel spent approximately 25.2 hours reviewing and revising Plaintiffs' Memorandum of Points and Authorities filed in support of Plaintiffs' Motion, Plaintiffs' Reply memorandum filed in support of Plaintiffs' Motion, analyzing, discussing, and coordinating	claims to have billed in the case and none of the exceptions apply.  31. Ambiguous: The declarant's statement is unclear about how much time Dale devoted to each task, thereby making it difficult for the State to assess how much duplicative and excessive work Dale supposedly did.  32. Lacks Foundation (§ 403) and Personal Knowledge (§ 702): The declarant has not proffered any preliminary evidence to establish personal knowledge or to lay the foundation that Mr. Michel actually performed the work described and has not satisfied	Overruled Sustained

1 2 3	counsel, traveling to hearing on Plaintiffs' Motion, and appearing at hearing on Plaintiffs' Motion.		
ر ر		33. Hearsay (Evid. Code,	Sustained
4		§ 1200): The statement	Overruled
5		summarizes what another person claims to have billed in the case and none of the exceptions	
6		apply.	•
7		34. Ambiguous: The	Sustained
8		declarant's statement is unclear about how much time Michel	Overruled
9	· .	devoted to each task, thereby	
7		making it difficult for the State	
0		to assess how much duplicative and excessive work Michel	
1		supposedly did.	
1	Paragraph 99 (24:14-26): My law	35. Lacks Foundation (§	Sustained
2	clerk, Anna Barvir, spent	403) and Personal Knowledge	Overruled
3	approximately 103.9 hours on post-	(§ 702): The declarant has not	
ا د	hearing work. Broken down, she	proffered any preliminary	
4	spent 7.2 hours drafting, revising,	evidence to establish personal	
5	editing the [Proposed] Order of Permanent Injunction, and analyzing	knowledge or to lay the foundation that Ms. Barvir	
ا د	and incorporating the revisions	actually performed the work	
6	proposed by opposing counsel; 4.8	described and has not satisfied	• .
7	hours drafting, revising, and editing the [Proposed] Judgment, and	any of the exceptions to section 403(a).	
8	analyzing and incorporating the		
	revisions proposed by opposing		
9	counsel; 3.1 hours researching,		
0	drafting, and revising Plaintiffs' Memorandum of Costs; 20.7 hours		
	analyzing Defendants' Motion to		•
1	Tax Costs, conducting legal research		
2	and drafting, revising, and editing		,
_ ا	Plaintiffs' Oppoisition to		
3	Defendants' Motion to Tax Costs,		
4	and reviewing Defendants' Reply; and 67.8 hours conducting legal		
_	research on the attorneys fee issue		
5	and the private attorney general	·	
6	doctrine, drafting, revising, and		
<u>"</u>	editing Plaintiffs' Motion for		
7	Attorneys Fees, reviewing Plaintiffs'		,
8	counsel's extensive billing records		

	•		
1	and compiling evidence to support		
2	the fee motion, researching reasonable billing rates in Southern	·	
3	California, and contacting local		
4	attorneys regarding the same, drafting, revising, and editing all		
5	documents in support of the fee motion, and overseeing filing efforts.		
6	motion, and o rottoring timing careers	36. Hearsay (Evid. Code,	Sustained
		§ 1200): The statement summarizes what another person	Overruled
7		claims to have billed in the case	
8	·	and none of the exceptions apply.	
9	Paragraph 103 (25:10-12): C.D.	37. Lacks Foundation (§	Sustained
10	Michel billed 14.0 hours of post- hearing activity, including reviewing	403) and Personal Knowledge (§ 702): The declarant has not	Overruled
11	and revising all post-hearing filings,	proffered any preliminary evidence to establish personal	
12	evaluating the merits of an appeal, and communicating with co-counsel	knowledge or to lay the	
13	and clients.	foundation that Mr. Michel	
13		actually performed the work described and has not satisfied	
14		any of the exceptions to section	
15		403(a).	04-:1
16		38. Hearsay (Evid. Code, § 1200): The statement	Sustained Overruled
17		summarizes what another person claims to have billed in the case	
18		and none of the exceptions	
19		apply.	
20	Dated: July <u>/3</u> , 2011	Respectfully Submitted,	
21	, 	KAMALA D. HARRIS Attorney General of Cal	ifornia
22	PETER Á. KRAUSE Supervising Deputy Attorney General		
23			
24		Club	
25	•	PETER A. KRAUSE	
26		Supervising Deputy Attorney General Attorneys for Defendants and Respondents State of California	
27	GA 2010101624		•
28	SA2010101624 10722559.doc		
		13	

## **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 July 13, 2011, I served the attached

- (1) THE STATE'S MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS' MOTION FOR ATTORNEYS' FEES; and (2) DECLARATION OF PETER A. KRAUSE
- (1) THE STATE'S OBJECTIONS TO THE DECLARATION OF CLINTON MONFORT SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES; (2) [PROPOSED] ORDER THEREON

THE STATE'S NOTICE OF LODGING FEDERAL AUTHORITIES AND NON-CALIFORNIA AUTHORITIES CITED IN THE STATE'S OPPOSITION TO PLAINTIFFS' MOTION FOR ATTORNEYS' FEES

by placing a true copy thereof enclosed in a sealed envelope with the Golden State Overnight courier service, 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 July 13, 2011, at Sacramento, California.

Brenda Apodaca

Declarant

Brenda apodaca
Signature

SA2010101624 10724824.doc