

No. 07 – 15763 [DC# CV 99-4389-MJJ]

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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RUSSELL ALLEN NORDYKE; et al.,  
*Plaintiffs - Appellants,*

vs.

MARY V. KING; et al.,  
*Defendants - Appellees.*

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APPEAL FROM THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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**MOTION FOR DETERMINATION OF DAMAGES  
UNDER 28 U.S.C. § 2202;  
MOTION FOR ATTORNEY FEES AND COSTS;  
MOTION FOR SANCTIONS AGAINST APPELLEES**

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## **INTRODUCTION**

This Court's June 1, 2012 Opinion is a Declaratory Judgment, in that it resolved the actual controversy at issue in this case and sets forth the rights and legal relations of the parties. A Declaratory Judgment may also include an award of damages after reasonable notice and a hearing. 28 U.S.C. §§ 2201(a), 2202.

Declaratory Relief is a remedy contemplated by 42 U.S.C. § 1983, 1988 and was specifically requested by Plaintiff-Appellants in their Third Amended Complaint. Therefore Plaintiff-Appellants are entitled to a determination that they are the prevailing party, and the consideration by this Court of an award of reasonable attorney's fees and costs as a matter of law under 42 U.S.C. §§ 1983, 1988.

As this Court's June 1, 2012 Opinion affirmed the dismissal of all causes of action in this case, on grounds different than those made by the District Court, it left no currently viable causes of action to recover damages and lost profits. Therefor Plaintiff-Appellants hereby seek sanctions in lieu of damages for twelve years of apparently unnecessary litigation, given the Defendant-Appellees "*sweeping concession – made at oral argument before the en banc court.*"

**MOTION FOR DETERMINATION OF DAMAGES**

**UNDER 28 U.S.C. § 2202**

While 28 U.S.C. §§ 2201, 2202 do not – in and of themselves – create a federal cause of action, they are often employed in conjunction with 42 U.S.C. § 1983 Civil Rights Suits when state/local legislation with criminal sanctions threaten fundamental rights. *Steffel v. Thompson*, 415 U.S. 452 (1973).

The Alameda Ordinance in question made it a misdemeanor to possesses firearms or ammunition at the County's Fairgrounds.

[Alameda Ord. 9.12.12(b)]

Plaintiff-Appellants specifically sought Declaratory Relief under 28 U.S.C. § 2201, 2202 in the Third Amended Complaint. [See: ER, Vol. II of IV, Tab 6: page 0284 (caption); pg. 0286 ¶ 14; pg. 0294 ¶¶ 51, 52, 53; pg. 0322 (prayer) ¶ D.]

The opening gambit in this 12 year case was Plaintiff-Appellants' request for a preliminary injunction to maintain the status quo in order to mitigate the damages that the County's ban on firearms would have as it was applied against the Nordyke's gun shows. Prior to, and during the initial stages of the litigation, plaintiffs' counsel sent several

letters to County Counsel asking to maintain the status quo and/or seeking an exception to the ordinance for gun shows. None of these letters were answered by County Counsel. The County admitted that County Counsel was the only government official authorized to interpret the ordinance and that the Fairground's Manager did not have the power to grant exceptions to the ordinance. The County also admitted that County Counsel's interpretation of the ordinance precluded the display of firearms and ammunition on County property at any [sic] gun show the Nordyke's wanted to hold at the Fairgrounds. [See: ER, Vol. III of IV, Tab 12, (Joint Statement of Undisputed Facts) ¶¶ 12, 14, 15, 18, 21, 27, 80, 88, 89 and 90]

The Plaintiff-Appellants lost that initial round of litigation and no gun shows have taken place at the Alameda County Fairgrounds since Fall of 1999.

Then this Court's Opinion filed on June 1, 2012 made a finding that the County changed its interpretation of the ordinance to permit gun shows under an exception to the ordinance, with the singular requirement that all firearms be tethered to the display tables. *Nordyke v. King*, 2012 U.S. App. LEXIS 11076.

It is undisputed that the Defendant-Appellees never filed or served a FRCP 68 Offer of Judgment in the District Court offering this compromise. Nor is an Offer of Judgment a remedy available to plaintiffs under that rule, even though the Nordykes made several overtures in their pleadings and briefs indicating that they would be open to reasonable, supplemental regulations by the County of their gun shows. See Declaration of Donald Kilmer, ¶ 12 and ER, Tab 6 (Third Amended Complaint), pg. 0294, ¶¶ 52, 53.

It is also undisputed that Appellees' counsel failed to bring to this Court's attention, "*without delay*, facts that may raise a question of mootness." Indeed, failure to inform the court of circumstances indicating mootness may be sanctionable. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 68, 117 S.Ct. 1055, 1069, fn. 23 (1997) (emphasis in original; internal quotes omitted); *In re Cellular 101, Inc.*, 539 F.3d 1150, 1154 (9th Cir. 2008) – failure to disclose settlement that may have mooted appeal precluded party from raising settlement and release as affirmative defense in later proceedings; *Seven Words LLC v. Network Solutions*, 260 F.3d 1089, 1094 (9th Cir. 2001).

Nor can the Defendant-Appellees claim that they voluntarily

changed their behavior under the doctrine articulated in *Buckhannon Bd. & Care Homes, Inc. v West Va. Dept. of Health & Human Resources* (2001) 532 U.S. 598. They forfeited that standing when the court ordered mediation failed to produce a voluntary settlement between the parties.

Instead, this Court was required to issue a Declaratory Judgment giving Plaintiff-Appellants a judicially enforceable right to “hold the County to its [new] interpretation of the ordinance.” A right that is now enforceable in a new challenge should the County add new requirements or enforce the ordinance unequally. *Nordyke v. King*, 2012 U.S. App. LEXIS 11076.

This Circuit’s law permits a plaintiff to be designated a prevailing party when they obtain a judicially enforceable right, even if the case resulted in a dismissal, as long as the plaintiff obtained relief that materially altered the relationship between the parties. *Barrios v. California Interscholastic Fed’n* (9<sup>th</sup> Cir. 2002) 277 F.3d 1128.

Furthermore, even if the court’s final order incorporated a settlement that included the relief sought in the lawsuit, plaintiffs can qualify as prevailing party. *Labotest, Inc. v. Bonta* (9<sup>th</sup> Cir. 2002) 297 F.3d 892.

Plaintiff-Appellants were damaged by the County's actions and their delay in offering a reasonable regulations that would not impinge on the rights asserted in this lawsuit. See Declaration of Donald Kilmer, ¶ 15(a) – 15(g).

Plaintiff-Appellants hereby request a finding that they are the prevailing party, having obtained a favorable Declaratory Judgment. Furthermore, Plaintiff-Appellants hereby request a hearing to determine damages and/or other appropriate relief pursuant to 28 U.S.C. §§ 2201, 2202.

### **MOTION FOR ATTORNEY FEES AND COSTS**

For the reasons set forth above, Plaintiff-Appellants, as the prevailing party on an equitable remedy requested in their original complaint, are entitled to recover their reasonable attorney fees and costs pursuant to 42 U.S.C. § 1983, 1988 and 28 U.S.C. § 2201.

“The purpose of 42 U.S.C. § 1988 is to ensure effective access to the judicial process for persons with civil rights grievances. Accordingly, a prevailing plaintiff should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust.” *Hensley v.*

*Eckerhart*, 461 U.S. 424, 429 (1983) (citations and internal quotation marks omitted). Even in civil rights cases where monetary relief is available, such relief does not reflect the litigation’s full value. “Unlike most private tort litigants, a civil rights plaintiff seeks to vindicate important civil and constitutional rights that cannot be valued solely in monetary terms.” *Blanchard v. Bergeron*, 489 U.S. 87, 96 (1989) (citation omitted).

“The initial estimate of a reasonable attorney's fee is properly calculated by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate. Adjustments to that fee then may be made as necessary in the particular case.” *Blum v. Stenson*, 465 U.S. 886, 888 (1984) (citation omitted).

“[A] fee applicant’s burden in establishing a reasonable hourly rate entails a showing of at least three elements: the attorneys’ billing practices; the attorneys’ skill, experience, and reputation; and the prevailing market rates in the relevant community.” *Covington v. District of Columbia*, 57 F.3d 1101, 1107 (D.C. Cir. 1995).

The concurrently filed **DECLARATION OF DONALD KILMER**  
**IN SUPPORT OF MOTION FOR DETERMINATION OF**



**DAMAGES; MOTION FOR ATTORNEY FEES AND COSTS;**  
**MOTION FOR SANCTIONS AGAINST APPELLEES,** and the  
**DECLARATION OF DON B. KATES IN SUPPORT OF MOTION**  
**FOR DETERMINATION OF DAMAGES; MOTION FOR**  
**ATTORNEY FEES AND COSTS; MOTION FOR SANCTIONS**  
**AGAINST APPELLEES** set forth the factual basis for the time and effort spent by the attorneys for Plaintiff-Appellants to reinstate their right to hold gun shows at the Alameda County Fairgrounds.

Counsel are entitled to an award of fees under either their actual hourly rate, or under the Laffey Matrix for determination of reasonable fees as set forth in their respective declarations.

Plaintiff-Appellants hereby also requests that the Court vacate the Order entered on June 15, 2012 (DktEntry #271) denying Appellants' Bill of Costs, and instead enter a new order that Appellants are the prevailing party and entitled to their costs as set forth the concurrently filed Declaration of Donald Kilmer.

**MOTION FOR SANCTIONS AGAINST APPELLEES**

This Court's June 1, 2012 Opinion notes that the matter resolved,

without the necessity of further litigation, only after the County's concession. Unfortunately, this concession came about after 12 long years of litigation. As noted above, Defendant-Appellees never availed themselves of any procedural rules for terminating the litigation by way of settlement (e.g., FRCP 68 Offer of Judgment). The Defendant-Appellees failed to give appropriate notice that they had materially altered the interpretation of their ordinance in a way that might terminate the litigation in this matter. *Arizonans for Official English v. Arizona*, 520 U.S. 43, 68, 117 S.Ct. 1055, 1069, fn. 23 (1997); *In re Cellular 101, Inc.*, 539 F.3d 1150, 1154 (9th Cir. 2008).

The Plaintiff-Appellants on the other hand, even without the ability to make FRCP 68 Offers, laced their pleadings and briefs with references and concrete examples of ways that they would invite the County to tender reasonable, supplemental regulations (in addition to the federal and state laws that the County concedes we obeyed) so that they could continue their gun shows. See Declaration of Donald Kilmer, ¶ 12 and ER, Tab 6 (Third Amended Complaint), pg. 0294, ¶¶ 52, 53.

Yet, here we are, 12 years later with (more than) significant expenditure of attorney time, effort and costs, and crippling damages to

a family run business. Unfortunately, FRAP 38 sanctions/damages are unavailable to Appellants. *In re Kelly* (9<sup>th</sup> Cir. 1988) 841 F2d 908; *Reynolds v Roberts* (11<sup>th</sup> Cir. 2000) 207 F3d 1288, reh, en banc, den (11<sup>th</sup> Cir. 2000) 244 F3d 143 and cert den, motion gr (2001) 533 US 941, 121 S Ct 2576, 150 L Ed 2d 739.

Therefore Plaintiff-Appellants seek to recover damages, attorney fees and costs under any of three alternate sanctions theories:

- A. 28 USCA § 1912: The court may impose sanctions against a party, its counsel or both where a judgment is affirmed.

Additionally, the court, in its discretion, "*may adjudge to the prevailing party just damages for his delay, and single or double costs.*" 28 USCA § 1912 (emphasis added); FRAP Rule 46, Cir. Adv. Comm. Note to Rule 46-2(2).

- B. 28 USCA § 1927: Any attorney "*who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.*" 28 USCA § 1927 (emphasis added); FRAP Rule 46, Cir. Adv. Comm. Note to Rule 46-2(3).

C. Federal courts have inherent power to impose sanctions for "bad faith" conduct in litigation or for "willful disobedience" of a court order against the party, its counsel or the person or entity who controls the litigation and who is responsible for the abusive conduct. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45-46, 111 S.Ct. 2123, 2133 (1991); FRAP Rule 46, Cir. Adv. Comm. Note to Rule 46-2(8).

### **CONCLUSION**

Plaintiff-Appellants are the prevailing party on their Declaratory Relief – Civil Rights claims as they now have a judicially enforceable right to “*hold the County to its [new] interpretation of the ordinance.*” A right that is now enforceable in a new challenge should the County add new requirements or enforce the ordinance unequally. *Nordyke v. King*, 2012 U.S. App. LEXIS 11076.

This Court can – and should – order a hearing to determine the Plaintiff-Appellants’ damages in accordance with 28 U.S.C. § 2201, 2202. Furthermore, as a prevailing party on their declaratory relief claims, the Court can – and should – award reasonable attorney fees

and costs in the amounts set forth in counsel's declarations.

In the alternative, the Court should award Plaintiff-Appellants their damages, fees and costs set forth in the accompanying declarations for Appellees' sanctionable conduct that resulted in unnecessarily prolonging this litigation.

Respectfully Submitted on June 22, 2012,

/s/ Donald Kilmer

Donald Kilmer, Attorney for Appellants.

**CERTIFICATE OF SERVICE**

On June 22, 2012, I served the foregoing **MOTION FOR DETERMINATION OF DAMAGES UNDER 28 U.S.C. § 2202; MOTION FOR ATTORNEY FEES AND COSTS; MOTION FOR SANCTIONS AGAINST APPELLEES** by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case. [By agreement, hard-copy service of County Counsel Richard Winnie has been previously waived by T. Peter Peirce, Attorney of Record for Appellees.]

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

Executed this June 22, 2012,

/s/ Donald Kilmer

Attorney of Record for Appellants

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**DECLARATION OF DONALD KILMER  
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES  
AND COSTS, MOTION FOR DAMAGES UNDER 28 U.S.C. § 2202,  
AND/OR SANCTIONS AGAINST APPELLEES**

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Co-Counsel for Plaintiff - Appellants

*\*Counsel of Record*

**DECLARATION OF DONALD KILMER**

I, Donald Kilmer, declare the following based on my own personal knowledge and a diligent review of the records kept at my firm in the normal course of business.

1. I earned by Bachelor of Arts Degree (with distinction) from San Jose State University in 1991. I earned my Juris Doctor degree from Lincoln Law School of San Jose in 1995. I am a member in good standing of the California State Bar Association. I am admitted to practice in the Northern and Eastern Districts of California and the Ninth Circuit Court of Appeals.
2. I have been a sole practitioner since being licensed to practice law. My firm represents clients in civil and criminal matters in both the state and federal courts in California. I have also been a faculty member at Lincoln Law School of San Jose since 2001 where I currently teach an elective in Constitutional Adjudication.
3. I have published articles in the San Francisco Daily Journal on firearm policy. I have co-authored an article published in the *Lincoln Law Review*.



4. My initial agreement with my clients was for representation at a reduced hourly rate due to my clients' limited financial resources and my commitment to protecting gun shows as an important cultural component of the fundamental "right to keep and bear arms." However, by January of 2000 my clients could no longer afford even the reduced hourly rate. At that point the case became a 100% contingency case, with the expectation that recovery of fees/costs would come from the Defendants if/when the plaintiffs secured a judicially enforceable right to hold gun shows at the Alameda County Fairground.
5. Furthermore, I could not have justified the expenditure of time, money and effort in this case without the prospect of recovering fees and costs from the government Defendants in this case under 42 U.S.C. §§ 1983, 1988.
6. The case generated significant public interest and caused this court to grant permission for C-Span video coverage of the oral arguments, and twice to grant rehearings en banc – presumably because the case was one of exceptional importance.
7. Although perhaps (now) deserving of only a footnote in the history

of Second Amendment jurisprudence, this case was the first in the nation to incorporate the Second Amendment as against state action through the Fourteenth Amendment's "due process" clause. *Nordyke v. King*, 563 F.3d 439 (9<sup>th</sup> Cir. 2009), *vacated*, 611 F.3d 1015 (9<sup>th</sup> Cir. 2010)(en banc). This was exactly the same result achieved in *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010).

8. The history of the case for understanding the context of attorney hours spent litigating the matter are:

- a. *Nordyke v. King*, 229 F.3d 1266 (9<sup>th</sup> Cir. 2000)(*Nordyke I*) which was an appeal from a denial of a request for preliminary injunction seeking to maintain the status quo with respect to the Plaintiffs' historically law-abiding gun shows at the Alameda County Fairgrounds. This opinion certified a question of state law (preemption) to the California Supreme Court.
- b. *Nordyke v. King*, 44 P.3d 133 (Cal. 2002)(*Nordyke II*) was the opinion from the California Supreme Court. It somewhat modified the question presented by the Ninth Circuit panel, but never-the-less found that ordinance an

appropriate regulation of county property vis-à-vis gun shows and therefore not preempted, while still suggesting that it might be preempted in another context. The dissent pointed out that the California Supreme Court's analysis failed to address the impact the ordinance may have on fundamental rights.

- c. *Nordyke v. King*, 319 F.3d 1185 (9<sup>th</sup> Cir. 2003)(*Nordyke III*) was the panel opinion that disposed of plaintiffs' remaining constitutional claims in their request for a preliminary injunction. This included un-plead Second Amendment claims that had been raised *sua sponte* by the trial court. The Court of Appeals granted permission for the parties to address these Second Amendment issues in supplemental briefing.
- d. Next there was a petition for rehearing and rehearing en banc that generated vigorous dissents and suggesting that the case warranted further review. *Nordyke v. King*, 364 F.3d 1025 (9<sup>th</sup> Cir. 2004)(*Nordyke III(a)* ). Appellants then sought a writ of certiorari in the United States Supreme

Court. The petition was denied on October 4, 2004.

*Nordyke v. King*, 543 U.S. 820 (2004) (*Nordyke III(b)*).

- e. The case was then re-docketed in the trial court and proceeded to judgment by way of Defendants' motion for summary judgment. This generated a new round of appeals.
- f. *Nordyke v. King*, 563 F.3d 439 (9<sup>th</sup> Cir. 2009)(*Nordyke IV*) *vacated*, 611 F.3d 1015 (9<sup>th</sup> Cir. 2010)(en banc), made new law and found that the Second Amendment was enforceable against state action via the Fourteenth Amendment "due process" clause. Shortly after that, the opinion was vacated and the case was docketed for en banc rehearing pursuant to *sua sponte* order from this Court.
- g. *Nordyke v. King*, 644 F.3d 776 (9<sup>th</sup> Cir. 2011)(*Nordyke V*) was the opinion issued by the original 3-judge panel after that the first en banc panel ordered a disposition in light of *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010).
- h. Next the Appellants petitioned for rehearing and/or rehearing en banc which was granted on November 28, 2011. *Nordyke v. King*, 664 F.3d 774 (9<sup>th</sup> Cir. 2011).

- i. The second round of en banc hearings resulted in this Court's June 1, 2012 Opinion filed at 2012 U.S. App. LEXIS 11076.
9. Prior to, and during the beginning stages of this litigation, Plaintiffs sent at least three (3) letters to Alameda County Counsel seeking to maintain the status quo – i.e., keep the gun shows running to mitigate any damages and seek guidance as to whether the gun shows might qualify for an exception to the ordinance. None of those letters were answered. When the ordinance was passed and the Board of Supervisors held their press conference, they specifically stated that the new law was for the purpose of banning gun shows from the fairgrounds.
10. During the trial court proceedings, the County admitted, conclusively, that County Counsel was the only government official authorized to interpret the ordinance. Still, the only written interpretation of the ordinance vis-à-vis gun shows is County Counsel's letter of August 23, 1999 to the Alameda County Fairgrounds Manager stating that neither guns or ammunition could be displayed during [sic] gun shows at the

Fairgrounds. This is the interpretation of the ordinance that the plaintiffs, the trial court, the three-judge panels of the Ninth Circuit, the California Supreme Court and two (2) En Banc Panels of the Ninth Circuit relied upon for litigating whether this local ordinance impinged on any fundamental rights.

11. The Court's most recent opinion suggests that the County may have made its concessions as early as 2009 before the original three-judge panel. But if that is the case, then this Court twice (once *sua sponte* and once by petition) granted en banc review to a case that needed only the summary disposition it reached in the June 1, 2012 Opinion. The likelier proposition, since the County objectively failed to file any notices or motions alerting the Court (or the Appellants) that they had materially changed the interpretation of their ordinance, is the one proffered by Judge O'Scannlain – who was one of three judges presiding over this case since 2000. The County's concession came in March of 2012 at oral argument before the second en banc panel.
12. Some additional facts that show Appellants were ready, willing and able to comply with reasonable regulations that did not

seriously impinge their rights to hold gun shows can be found at:

- a. PLAINTIFF-APPELLANTS' FRAP 35(a) BRIEF (DktEntry 88-1) filed on June 8, 2009 at page 7 of 15 (page 13 of the PDF copy) wherein plaintiffs suggest ways in which supplemental regulations by the County would not violate any rights of the gun show plaintiffs.
  - b. Even the idea of “tethered guns” does not originate from the County. Excerpt of Record Vol. IV of IV, Tab 20, pages 0694, 0695 and 0707 shows pictures of handguns that have electronic (alarmed) and steel cables running through the trigger guards to prevent theft. These pictures of ‘tethered guns’ were part of a summary judgment exhibit submitted by the plaintiffs to the trial court in September of 2006.
13. All of the litigation in this twelve-year case was necessary and sufficient to bring about the vindication of my clients’ rights to hold their gun show at the Alameda County Fairgrounds in a way that did not significantly impact the law-abiding and historic way in which gun shows have taken place at that venue for decades.
14. I have discussed the issue of damages with my clients and the fact

that this issue is normally resolved by a trial court, with or without a jury. We recognize that this Court's June 1, 2012 Opinion affirming the District Court's order/judge deprives the Plaintiff-Appellants of a compensatory theory of recovery under our original claims and leaves us presently with only a theory of sanctions in lieu of damages.

15. Because of the short deadlines for making the motions for sanctions, my clients and I can only estimate some of the lost profits and damages incurred to date. I have authorization to accept the following sums on their behalf, unless the court remands the damage/sanctions issue to the trial court for a factual determination:
  - a. The Nordykes typically turned a profit of approximately \$10,000.00 per show. They typically conducted 5 shows per year at the Alameda County Fairgrounds. For the twelve years they have been shut out of the Fairgrounds their lost profits would total \$600,000.00 without pre-judgment interest.
  - b. The Nordykes have had to endure bankruptcy, emotional



distress and impairment of their health from the stress of this case and would seek \$100,000.00 in general damages.

- c. The Nordykes will have to conduct an advertising campaign to alert the general public that the gun shows will be resuming at the Alameda County Fairgrounds. They would seek \$100,000.00 in special damages to conduct such an ad campaign in order to place them back in the position they were before the County instituted its gun show ban.
- d. Virgil McVicker, president of the Madison Society, regularly engaged in fund raising at the Nordyke's gun shows at the Alameda County Fairgrounds. Plaintiff McVicker estimates that his organization lost approximately \$25,000.00 in fund raising opportunities.
- e. Roger Baker is a firearms dealer, selling unique and antique firearms at the Nordyke's gun shows. He estimates that he lost approximately \$25,000.00 in profits over the 12 years that gun shows have been banned from the Alameda County Fairgrounds.
- f. Mike Fournier was also a firearms dealer, he sold new and

used guns at the Nordyke's gun shows. He estimates that he lost approximately \$25,000.00 in profits over the 12 years that gun shows have been banned from the Alameda County Fairgrounds.

- g. The remaining nine (9) plaintiffs would each seek \$1,000.00 a piece in nominal damages/sanctions.

16. The time that I reasonably spent to reinstate gun shows at the Alameda County Fairgrounds is 2,660.11 hours. Broken down as follows:

- a. Attachment #1 is a series of QuickBook invoices (Memorandum of Fees/Costs) with time slip memoranda attached showing actual time spent and the tasks performed. The dates on the invoices run from August 1999 to February 1, 2002. Total attorney time: 481.00 hrs.
- b. Attachment #2 is a series of QuickBook (Memorandum of Fees/Costs) invoices with the time/task entries directly on the invoice. The dates on the invoices run from March 15, 2002 to February 15, 2005. Total attorney time: 555.00 hrs.
- c. Attachment #3 is a cumulative statement produce by my

vendor InterBill showing time/task entries for the period

Feb. 24, 2005 to June 16, 2012. Total time: 1624.11 hrs.

17. The Costs necessary to litigate this case are \$20,566.99 and are set out in:

a. Attachment #4 is a spreadsheet showing costs incurred from the period August 1999 to February 2005. Costs: \$10,332.89.

b. Attachment #5 is the Bill of Costs that was filed with the Court on June 14, 2012 for the period 2007 to June 2012.

Costs incurred: \$10,234.10.

18. My currently hourly rate for clients is \$360.00 per hour.

19. The Laffey Matrix rates for the Washington, D.C., area (which is approximately equivalent to San Francisco) is set forth in the following table, last viewed on June 21, 2012 at

<http://www.laffeymatrix.com/see.html>:

			Years Out of Law School				
Year	Adjustment Factor*	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/11-5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10-5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09-5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686

6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07- 5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06- 5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05- 5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04- 5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03- 6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02- 5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01- 5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00- 5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99- 5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98- 5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97- 5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96- 5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95- 5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94- 5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

20. I have been practicing law since January 1, 1996, therefore I fall into the 11-19 year category of the Laffey Matrix at a rate of \$609.00 per hour.

a. Total fee request at  $\$360.00 \times 2660.11 = \$957,639.60$ .

b. Total fee request at  $\$609.00 \times 2660.11 = \$1,620,006.90$ .

21. With respect to my request for sanctions against the County of Alameda, I sent an email to opposing counsel on June 4, 2012 requesting that we “meet and confer” on this issue. On June 13, 2012 I received a response that the County would not consider such a request. With the time for the Mandate to issue drawing near, I cannot reasonably be expected to engage in further ADR discussions with the Defendant-Appellees.

I declare under penalty of perjury, under the laws of California and the United States that the foregoing is true and correct and that this declaration was executed in San Jose, California on June 22, 2012.

Respectfully Submitted,

/s/ Donald Kilmer

Donald Kilmer, Attorney for Appellants.

**CERTIFICATE OF SERVICE**

On June 22, 2012, I served the foregoing **DECLARATION OF DONALD KILMER IN SUPPORT OF MOTION FOR ATTORNEY'S FEES AND COSTS or in the alternative SANCTIONS AGAINST APPELLEE** by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case. [By agreement, hard-copy service of County Counsel Richard Winnie has been previously waived by T. Peter Peirce, Attorney of Record for Appellees.]

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

Executed this June 22, 2012,

/s/ Donald Kilmer

Attorney of Record for Appellants

**Attachment #1**

Declaration of Donald Kilmer  
in Support of Motion for Attorney Fees  
and Costs and/or Sanctions

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/18/1999	695

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

**PAID**

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	8.5	175.00	1,487.50
<b>Total</b>			\$1,487.50



Donald E. J. Kilmer, Jr.

Attorney at  
Law

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Memorandum of Attorney's Fees  
August 1999

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate:	Charge: \$ 225.00
Code: PRP	
Activity Memo: Prepare Outline for meeting with Nordykes.	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate:	Charge: \$ 375.00
Code: MAC	
Activity Memo: Meeting in office	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 150.00	Charge: \$ 45.00
Code: TF	
Activity Memo: Telephone call from Kates, Don -- spoke -- Discussed retention by Clients. Work Sharing arrangement. Strategy and tactics.; Telephone Call From Co-Counsel	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 17.50
Code: TT	
Activity Memo: Telephone call to -- spoke -- Duane Darr - Re: Video and Audio tape of Sups Meetings.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 17.50
Code: TT	
Activity Memo: Telephone call to Bradford, Mark -- left message -- Please contact my office re: gun shows.; Telephone Call to	

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Donald E. J. Kilmer, Jr.

Attorney at

Law

## Memorandum of Attorney's Fees

### August 1999

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 17.50
Code: TT	
Activity Memo: Telephone call to Lynch, Kathy -- left message -- Please call my office to coordinate efforts re: gun shows.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 17.50
Code: TT	
Activity Memo: Telephone call to Michel, Chuck -- spoke -- Contacted Kathy Lynch. Thanks for Contact.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 17.50
Code: TT	
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Passed ordinance on first reading. Second reading on 8/17. She is coming in to drop off pleadings from first case.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 175.00
Code: MAC	
Activity Memo: Meeting outside office with Don Kates.	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 175.00
Code: RES	
Activity Memo: On-Line Research - 18 USC 926A	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 262.50
Code: LT	
Activity Memo: Letter to Opposing Counsel	

Donald E. J. Kilmer, Jr.

Attorney at

Law

## Memorandum of Attorney's Fees

### August 1999

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 35.00
Code: TF	
Activity Memo: Telephone call from Lynch, Kathy -- spoke -- Called about pending gun show legislation. Something on the horizon. Mid-September.; Telephone Call from	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 35.00
Code: TF	
Activity Memo: Telephone call from Michel, Chuck -- spoke -- Contact Kathy Lynch at Lynch and Assoc in Sacramento.; Telephone Call From Co-Counsel	

---

Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 35.00
Code: TT	
Activity Memo: Telephone call to Farnell, Mike -- spoke -- Client's name is Ken Glass of Rose City Promotions. Gun show promoter in Oregon.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 35.00
Code: TT	
Activity Memo: Telephone call to Helsley, Steve -- spoke -- What Bills pending re: gun shows. AB 200 , AB 295 & AB 1097. See also: Back v Dept of Fairs, etc.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 35.00
Code: TT	
Activity Memo: Telephone call to Kates, Don -- spoke -- RE- conversation with Helsley and Bradford.; Telephone Call to	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 437.50
Code: MAC	
Activity Memo: Meeting outside office at Alameda Supervisors Chambers.	

Donald E. J. Kilmer, Jr.

Attorney at

Law

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Memorandum of Attorney's Fees  
August 1999

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 52.50
Code: TF	
Activity Memo: Telephone call from Kates, Don -- spoke -- Discussed Don's Memo 7/27/99.; Telephone Call From Co-Counsel	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 52.50
Code: TF	
Activity Memo: Telephone call from Michel, Chuck -- spoke -- Case Strategy.; Telephone Call From Co-Counsel	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 52.50
Code: TT	
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- She mailed retainer and called to say she was discouraged. Asked her to work up a resume and personal history and time log.; Telephone Call to Client	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 70.00
Code: TF	
Activity Memo: Telephone call from Kates, Don -- spoke -- Case strategy. ; Telephone Call From Co-Counsel	

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Client Name: Russ & Sally No	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: Pre-File
Hourly Rate: 175.00	Charge: \$ 70.00
Code: TT	
Activity Memo: Telephone call to Brewer, Bonnie -- spoke -- Talked about Nordyke Case. ; Telephone Call to Reporter.	

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
9/22/1999	784

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

**PAID**

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	53.8	175.00	9,415.00
		48.61	48.61
		<b>Total</b>	\$9,463.61

Donald E. J. Kilmer, Jr.

Attorney at

Law

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Memorandum of Attorney's Fees  
September 1999

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Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda  
Hourly Rate: 175.  
Code: LT  
Activity Memo: Letter to Joe Wargo.

Client Account No.: 99 032  
Case Number: Pre-File  
Charge: \$ 17.5

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Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda  
Hourly Rate: 175.  
Code: TT

Client Account No.: 99 032  
Case Number: Pre-File  
Charge: \$ 17.5

Activity Memo: Telephone call from Michel, Chuck -- spoke -- ; Telephone Call to Co-Counsel status of Los Angeles case.

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Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda  
Hourly Rate: 175.  
Code: TT

Client Account No.: 99 032  
Case Number: Pre-File  
Charge: \$ 17.5

Activity Memo: Telephone call to Kates, Don -- spoke -- ; Telephone Call to Co-Counsel

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda  
Hourly Rate: 175.  
Code: TT

Client Account No.: 99 032  
Case Number: Pre-File  
Charge: \$ 17.5

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- ; Telephone Call to Client do you want to share with Amelang.

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Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda  
Hourly Rate: 175.  
Code: TT

Client Account No.: 99 032  
Case Number: Pre-File  
Charge: \$ 17.5

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- ; Telephone Call to Client will fax over verification, please return by overnight mail so it will be in my office tomorrow morn

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Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda  
Hourly Rate: 175.  
Code: TT

Client Account No.: 99 032  
Case Number: Pre-File  
Charge: \$ 17.5

Activity Memo: Telephone call to Washington, Brian -- spoke -- ; Telephone Call to Opposing Counsel gave advance notice of TRO coming their way. Asked if they would accept service for Sups and s

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### September 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 35.  
Code: TF  
Activity Memo: Telephone call from Wright, Michael -- spoke -- ; Telephone Call From Co-Counsel exchange of docs.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 35.  
Code: TT  
Activity Memo: Telephone call to Kates, Don -- spoke -- ; Telephone Call to Co-Counsel Discussed AB 295

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 35.  
Code: TT  
Activity Memo: Telephone call to Kates, Don -- spoke -- Look at case: Edwards from 4th Circuit.; Telephone Call to Co-Counsel - Re AB 295.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 35.  
Code: TT  
Activity Memo: Telephone call to Michel, Chuck -- spoke -- ; Telephone Call to Co-Counsel. Karl Amelang is on board with his own suit.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 35.  
Code: TT  
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- ; Telephone Call to Client no help to Great Western.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 35.  
Code: TT  
Activity Memo: Telephone call to Washington, Brian -- spoke -- ; Telephone Call to Opposing Counsel will accept service for sups. Needs letter to propose stip for TRO.

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### September 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 70.  
Code: TT  
Activity Memo: Telephone call to Michel, Chuck -- spoke -- ; Telephone Call to Co-Counsel. Re: LA Suit and similarities to Nordyke Suit.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 70.  
Code: TT  
Activity Memo: Telephone call to Wright, Michael -- spoke -- ; Telephone Call to Co-Counsel

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 87.5  
Code: MAC  
Activity Memo: Consultation with Client at TS Trade Show.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 87.5  
Code: MAC  
Activity Memo: Meeting outside office with County Counsel Eric Chambliss, who stated, 5 times that purpose of ordinance was to close down gunshows in Alameda County.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 122.5  
Code: RES  
Activity Memo: On-Line Research

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 175.  
Code: FIL  
Activity Memo: File Docs with Court



Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### September 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 175.  
Code: PRP  
Activity Memo: Prepare - Declarations from Vendors, Exhibitors and Patrons for Alameda Suit.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 350.  
Code: RES  
Activity Memo: Law Library Research - legal issues for Nordyke case.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 437.5  
Code: DCR  
Activity Memo: Review & Analysis of Docs from Atlanta Gun Show case and Houston Case.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 437.5  
Code: FIL  
Activity Memo: Serve Docs on Defendants in Alameda County, including travel time.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 437.5  
Code: MAC  
Activity Memo: Meeting outside office - gather Declaration for Alameda Suit.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 437.5  
Code: MAC  
Activity Memo: Meeting outside office - to gather signatures on declaration for Alameda Suit.

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Memorandum of Attorney's Fees  
September 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 875.  
Code: MAC  
Activity Memo: Meeting outside office, attend Pleasanton Gun Show to gather declaration. Includes travel time.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 875.  
Code: PRP  
Activity Memo: Prepare Complaint including research.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 875.  
Code: PRP  
Activity Memo: Prepare Complaint: Proof read, revise and redraft portions of complaint.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 962.5  
Code: PRP  
Activity Memo: Prepare Complaint and research for filing.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 1050.  
Code: MAC  
Activity Memo: Meeting outside office, attend Pleasanton Gun Show to gather declarations. Includes travel time.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: Pre-File  
Hourly Rate: 175. Charge: \$ 1575.  
Code: PRP  
Activity Memo: Prepare Complaint, exhibits, declarations, etc...

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Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
9/22/1999	805

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

**PAID**

DESCRIPTION	TIME	RATE	AMOUNT
Copy Charge per page	3,603	0.15	540.45
<b>Total</b>			\$540.45

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/1/1999	834

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

**PAID**

DESCRIPTION	TIME	RATE	AMOUNT
Nordyke		150.00	150.00
09/15/99		174.59	174.59
08/28/99		76.32	76.32
Kinkos		54.56	54.56
service		160.00	160.00
Total Reimbursable Expenses			615.47
Attorney's fees at rate of \$175/hr.	28.5	175.00	4,987.50
See attached memorandum for detail.			
		<b>Total</b>	\$5,602.97

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### October 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Jenkins, Martin J. -- spoke -- ; Memo: Spoke to Gwen Wozniak. Judge is aware of 10/20/99 deadline from fairgrounds.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- ; Memo: Going in on TRO today. Hope to preserve November show.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Ware, James -- spoke -- ; Memo: New Judge: Jenkins; New Case # C 99 04389.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Washington, Brian -- spoke -- ; Telephone Call to Opposing Counsel Meet and Confer. TRO.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Eastman, Bill -- spoke -- ; Memo:

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Eastman, Bill -- spoke -- ; Telephone Call to regarding declation. ; Memo:

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### October 1999

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 17.5

Code: tc

Activity Memo: Telephone call to Wargo, Joe -- spoke -- ; Telephone Call to Co-Counsel re: status of Nordyke I documents.; Memo:

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 17.5

Code: tc

Activity Memo: Telephone call to Weaver, Sayre -- spoke -- ; Message: left message. Assuming you did not get in contact with Jenkins clerk. Will file my own motion.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Code: LT

Activity Memo: Letter to Alameda County Fair.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Code: LT

Activity Memo: Letter to Court

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Code: tc

Activity Memo: Telephone call from Nordyke, Russ &amp; Sally -- spoke -- ; Memo: Need to know by this weekend if show will happen.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Code: tc

Activity Memo: Telephone call to Jenkins, Martin J. -- spoke -- ; Memo: Gwen Wozniak. re: resubmitting TRO application.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Donald E. J. Kilmer, Jr.

Attorney at

Law

## Memorandum of Attorney's Fees

### October 1999

Code: tc

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- ; Telephone Call to Client Status. Wait 4 days for case to ripen in front of Ware. Need TRO; Memo:

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Code: tc

Activity Memo: Telephone call to Weaver, Sayre -- spoke -- ; Memo: may need to reschedule 12b-6 motion. Hearing set for 10/28/99 in SF Courtroom 11, 19th floor.

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 35.

Code: tc

Activity Memo: Telephone call to Weaver, Sayre -- spoke -- ; Memo: parties in agreement that matter should be continued to 11/30, with briefing schedule adjusted.

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 52.5

Code: tc

Activity Memo: Telephone call to Weaver, Sayre -- spoke -- ; Memo: will call the court to ask for an expedited hearing.

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: CRT

Activity Memo: Appear at Pre-Trial Hearing - Motion for TRO.

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: DCR

Activity Memo: Review & Analysis of Docs - objections from OC and objection to related case and objection to EAI.

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: LAM

Activity Memo: Prepare Witness Declaration - Eastman.

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### October 1999

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 175.
Code: LOA	
Activity Memo: Filing - update gunshow file.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 175.
Code: RES	
Activity Memo: Law Library Research - Case analysis.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 175.
Code: TRT	
Activity Memo: Travel Time - Auto to and from Chief Eastman for taking declaration.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 350.
Code: DCR	
Activity Memo: Review & Analysis of Docs - Defendant's responses to TRO motion.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 350.
Code: LAM	
Activity Memo: Prepare Points & Auth Reply to TRO opposition.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 350.
Code: LAM	
Activity Memo: Prepare Points & Auth Response to TRO opposition.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 350.

---



Donald E. J. Kilmer, Jr.

Attorney at

Law

---

Memorandum of Attorney's Fees  
October 1999

Code: PRP

Activity Memo: Prepare outline for oral arguments.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 350.

Code: RES

Activity Memo: Law Library Research in preparation for TRO.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 350.

Code: RES

Activity Memo: Law Library Research re: TRO.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 700.

Code: LAM

Activity Memo: Prepare Motion for TRO.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 700.

Code: LAM

Activity Memo: Prepare Points & Auth for TRO reply.

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/30/1999	862

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

**PAID**

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	43.7	175.00	7,647.50
Copy Charge per page	6,556	0.15	983.40
		<b>Total</b>	<b>\$8,630.90</b>

Donald E. J. Kilmer, Jr.

Attorney at  
Law

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Memorandum of Attorney's Fees  
November 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Lynch, Kathy -- spoke -- ; Memo: tele-conference set for Nov. 19, 1999.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- ; Memo: status of advertising.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Nordyke, Russ & Sally -- left message -- ; Message: touch base to discuss strategy.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Nordyke, Russ & Sally -- left message -- No hearing on 11/30 in SF. Moved to 12/7.;  
Memo:

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- ; Memo: give client the bad news. TRO &

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### November 1999

Preliminary Injunction denied.

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 17.5
Code: tc	
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Update.; Memo:	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 17.5
Code: tc	
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- ; Memo: up against hard deadlines. Will call County Counsel.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code:	
Activity Memo: Telephone call from Nordyke, Russ & Sally -- left message -- Need list of vendors.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: LF	
Activity Memo: Letter from Opposing Counsel	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: LF	
Activity Memo: Letter from Opposing Counsel with stipulation. Signed signature page and returned by fax and original by U.S. mail.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: LT	

Donald E. J. Kilmer, Jr.

Attorney at

Law

## Memorandum of Attorney's Fees

### November 1999

Activity Memo: Letter to Client

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: PRP	
Activity Memo: Prepare revisions to 12b6 motion.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: tc	
Activity Memo: Telephone call from Cookson, Carl -- spoke -- Found 9 single family residences that are owned by County of Alameda.; Memo:	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: tc	
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Santa Rosa Press Democrat will not accept advertising from Russ and Sally.; Memo:	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: tc	
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- ; Memo: full steam ahead.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 35.
Code: tc	
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- Standing?? issues. discussed Stipulation re: 12(b) (6) motion. ; ; Memo:	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 52.5
Code: tc	
Activity Memo: Telephone call from Weaver, Sayre -- spoke -- Filed amended complaint, discussed 4 possible options for moving this case forward. ; Memo:	

---

Client Name: Russ &amp; Sally Nordyke

Client Account No.: 99 032

Donald E. J. Kilmer, Jr.

Attorney at  
Law

---

Memorandum of Attorney's Fees  
November 1999

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 52.5  
Code: tc  
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- ; Memo: still mystified at lack of decision. Will touch base tomorrow.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 70.  
Code: tc  
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- She wants to go forward with 12b6 motion. We intend to rely on Amended Complaint.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 87.5  
Code: RES  
Activity Memo: On-Line Research

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 87.5  
Code: tc  
Activity Memo: Memo: call to Kates.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 122.5  
Code: LT  
Activity Memo: Letter to Opposing Counsel

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 175.

Donald E. J. Kilmer, Jr.

Attorney at

Law

---

## Memorandum of Attorney's Fees

### November 1999

Code: DCR

Activity Memo: Review &amp; Analysis of Docs filed with court.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: PRP

Activity Memo: Prepare revision to 12b6 opposition.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: RES

Activity Memo: Law Library Research Appellate options.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: RES

Activity Memo: On-Line Research - TRO.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 175.

Code: tc

Activity Memo: Memo: Telephond conference with Kates, re: Amend Complaint.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 262.5

Code: DCR

Activity Memo: Review &amp; Analysis of Docs - Order from Court denying TRO.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Hourly Rate: 175.

Charge: \$ 262.5

Code: FIL

Activity Memo: Update File

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Memorandum of Attorney's Fees  
November 1999

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 262.5  
Code: RES  
Activity Memo: On-Line Research

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 262.5  
Code: tc  
Activity Memo: Memo: several teleconferences with Kates for revising complaint.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 350.  
Code: PRP  
Activity Memo: Prepare Complaint - revise, redraft and finalize amended complaint.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 350.  
Code: RES  
Activity Memo: On-Line Research

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 525.  
Code: DCR  
Activity Memo: Review & Analysis of Docs - new exhibits for attachment to complaints.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 525.  
Code: PRP  
Activity Memo: Prepare Complaint - revise and redraft legal allegations.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 700.  
Code: PRP  
Activity Memo: Prepare Amended complaint and line up new plaintiffs.



Donald E. J. Kilmer, Jr.

Attorney at  
Law

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Memorandum of Attorney's Fees  
November 1999

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 700.
Code: PRP	
Activity Memo: Prepare Complaint - Revise and redraft complaint for Amended complaint.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 787.5
Code: PRP	
Activity Memo: Prepare FRCP 59(e) motion.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 875.
Code: PRP	
Activity Memo: Prepare Complaint - take statements from new plaintiffs and draft new factual allegations for complaint.	

---

Client Name: Charlotte E. Clark	Client Account No.: 99 033
Matter Name: Marriage of Clark	Case Number: 1 99 FL
Hourly Rate: 175.	Charge: \$ 17.5
Code: LT	
Activity Memo: Letter to Client	

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
1/8/2000	901

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

**PAID**

DESCRIPTION	TIME	RATE	AMOUNT
Appeal Filing Fee - Nordyke		0.00	0.00
		122.98	122.98
Nordyke - Appeal fee		105.00	105.00
COD		146.00	146.00
Research		37.85	37.85
Research		112.96	112.96
Reasearch		30.20	30.20
REsearch		154.55	154.55
		12.75	12.75
Total Reimbursable Expenses			722.29
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	17.2	175.00	3,010.00
<b>Total</b>			<b>\$3,732.29</b>

Donald E. J. Kilmer, Jr.

Attorney at

Law

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Memorandum of Attorney's Fees  
December 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Christian, Susan -- spoke -- motion for extension of time granted. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Jim Schmitt -- spoke -- Commercial Real Estate Agent - no properties at this time for gun show.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- No more advertising on KSFO. Clients sending in check to Fairgrounds for table rental. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Brice, Joann -- spoke -- Please prepare transcripts from 10/28 hearing Nordyke v. King.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Christian, Susan -- spoke -- Status of motion.; Message:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Darr, Duane -- spoke -- No hearing on 12b6 motion. ; Memo:

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### December 1999

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Let them know that no appearance necessary tomorrow at 12b6 hearing. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Weaver, Sayre -- left message -- Motion to extend time for filing brief granted.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 35.  
Code: tc  
Activity Memo: Telephone call from Lynch, Kathy -- spoke -- Re: Getting Legislative intent letter from Rod Wright. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 52.5  
Code: tc  
Activity Memo: Telephone call from Holbrook, David -- spoke -- Re: Status of case and fax copy of Jenkins profile.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 52.5  
Code: tc  
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- Appeal to 9th Circuit. Designate record from reporter. Might file motion for injunction in appellate court.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 122.5  
Code: MAC

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### December 1999

Activity Memo: Meeting outside office with clients at San Jose gun show.

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 262.5
Code: LAM	
Activity Memo: Prepare Motion for extension of time to file opening brief.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 262.5
Code: RES	
Activity Memo: Law Library Research - Motion to extend time for briefing.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 472.5
Code: RES	
Activity Memo: Law Library Research - Review cases for appeal.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 525.
Code: PRP	
Activity Memo: Prepare Notice of Appeal.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 525.
Code: RES	
Activity Memo: On-Line Research Appellate issues.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 612.5
Code: RES	
Activity Memo: Law Library Research - Appellate procedures.	

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
2/13/2000	931

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	80.6	175.00	14,105.00
Nordyke - filing in SF		160.00	160.00
Nordyke - filling SF		160.00	160.00
Nordyke - filing SF		160.00	160.00
Total Reimbursable Expenses			480.00
		<b>Total</b>	<b>\$14,585.00</b>

Donald E. J. Kilmer, Jr.

Attorney at  
Law

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Memorandum of Attorney's Fees  
February 2000

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Mc Mahan -- spoke -- Has counsel in Sac. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Ok to give everyone 30 day extension on Appellate briefs. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Lynch, Kathy -- spoke -- Re: Rod Wright letter.; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 17.5  
Code: tc  
Activity Memo: Telephone call to Michel, Chuck -- spoke -- Re: conversation with Mc Mahan; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Donald E. J. Kilmer, Jr.

Attorney at  
Law

---

Memorandum of Attorney's Fees  
February 2000

Hourly Rate: 175.

Charge: \$ 35.

Code: tc

Activity Memo: TFC Memo: Radio Ad.

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Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### February 2000

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 35.  
Code: tc  
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- everyone OK on time extensions for briefs. ; Memo:

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 52.5  
Code:  
Activity Memo: Telephone call from Michel, Chuck -- spoke -- RE: status of Great Western show - Are Mc Mahans putting on show in LA?

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 52.5  
Code: tc  
Activity Memo: Telephone call to Weaver, Sayre -- spoke -- Re: extension of time for principal and amicus briefs. ; Memo:

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 87.5  
Code: FIL  
Activity Memo: Serve Docs

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 87.5  
Code: LF  
Activity Memo: Letter from Kathy Lynch.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW  
Hourly Rate: 175. Charge: \$ 122.5  
Code: LT  
Activity Memo: Letter to Lynch and Assoc.

Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### February 2000

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 175.
Code: MAC	
Activity Memo: Meeting outside office with Don Kates.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 175.
Code: RES	
Activity Memo: On-Line Research - Preemption	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 262.5
Code: PRP	
Activity Memo: Prepare Notes for opening Brief.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 350.
Code: FIL	
Activity Memo: Update File	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 350.
Code: PRP	
Activity Memo: Prepare final version of ER.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 437.5
Code: PRP	
Activity Memo: Prepare ER for copy and binding.	

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Law

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Memorandum of Attorney's Fees  
February 2000

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 437.5
Code: PRP	
Activity Memo: Prepare draft of Opening Brief.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 612.5
Code: PRP	
Activity Memo: Prepare final version of Excerpts of record.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 700.
Code: PRP	
Activity Memo: Prepare Excerpts of Record.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 700.
Code: PRP	
Activity Memo: Prepare draft of opening brief.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 700.
Code: RES	
Activity Memo: Law Library Research - Appellate Rules.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 700.
Code: RES	
Activity Memo: On-Line Research - Case Law.	

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Donald E. J. Kilmer, Jr.

Attorney at

Law

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## Memorandum of Attorney's Fees

### February 2000

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 700.
Code: RES	
Activity Memo: On-Line Research and Paper research.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 787.5
Code: PRP	
Activity Memo: Prepare Final version of opening brief.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 787.5
Code: PRP	
Activity Memo: Prepare documents to be copied and bound.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 787.5
Code: RES	
Activity Memo: Law Library Research - for draft of opening brief.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 875.
Code: PRP	
Activity Memo: Prepare Errata Memorandum Appellants' Brief. and Addition to ER.	

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 875.
Code: PRP	
Activity Memo: Prepare opening Brief Draft.	

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Donald E. J. Kilmer, Jr.

Attorney at

Law

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**Memorandum of Attorney's Fees**  
**February 2000**

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Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 1050.
Code: PRP	
Activity Memo: Prepare Final Version of opening brief.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 1050.
Code: PRP	
Activity Memo: Prepare Opening brief Draft.	

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Alameda	Case Number: C 99 20947 JW
Hourly Rate: 175.	Charge: \$ 1050.
Code: RES	
Activity Memo: Prepare Statutory Analysis of California Laws on Firearms possession.	

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
3/31/2000	961

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	7.7	175.00	1,347.50
Nordyke Appeal - Copy Costs		296.32	296.32
Nordyke Appeal - Copy Costs		453.62	453.62
Supplies for Appeal Assembly		130.66	130.66
Total Reimbursable Expenses			880.60
		<b>Total</b>	\$2,228.10

Memorandum of Attorney's Fees - March 2000

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/12/1900 Activity Code: MAC Hourly Rate: \$ 175.

Time Spent: 2. Charge to Client: \$ 350.

Activity Memo: Meeting with Don B. Kates. Consultation on Amicus Issues.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/14/1900 Activity Code: DCR Hourly Rate: \$ 175.

Time Spent: 1.5 Charge to Client: \$ 262.5

Activity Memo: Review & Analysis of Docs - First Amendment Amicus Brief.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/14/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call from Don Kates -- spoke -- New Plaintiffs in amended complaint - Historical reenactment. ; Memo:

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/14/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Sayre Weaver -- spoke -- Will oppose motion to consolidate; Memo:

Memorandum of Attorney's Fees - March 2000

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/23/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Having problems with Merced Fairgrounds. Requiring 8 security guards. ; Notes

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/24/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call from Davidson, Sheryl -- spoke -- She is adamant about having 8 security guards at show. In fact she state is was based on perception, alcohol at last show, and they even require 8 guards at weddings. ; Notes

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/24/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Broughton -- left message -- Please return my call regarding security at Fairgrounds.; Notes

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 03/24/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Cavallero -- spoke -- referred me to Merced City Police. Thought 8 security guards sounded excessive.; Notes



Donald E. J. Kilmer, Jr.

Attorney at Law

Memorandum of Attorney's Fees - March 2000

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Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 03/31/1900 Activity Code: RES Hourly Rate: \$ 175.

Time Spent: 0.5 Charge to Client: \$ 87.5

Activity Memo: On-Line Research - Houston Gun Show case.

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Merced County Fairgroun

Client Account No.: 99 032  
Case Number: None

Date: 03/24/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- will forward copy of contracts from Merced for 1999 and 2000.; Notes

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Merced County Fairgroun

Client Account No.: 99 032  
Case Number: None

Date: 03/29/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call from Work, Steve -- spoke -- Will forward message to Chief of Police - Tony Dossetti regarding security at gun show.; Notes

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Merced County Fairgroun

Client Account No.: 99 032  
Case Number: None

Date: 03/29/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.3 Charge to Client: \$ 52.5

Activity Memo: Telephone call to Broughton -- spoke -- He thinks 8 guards is too high. Acknowledged that Davidson is anti-gun and trying to drive TS out of the fairgrounds. ; Notes

Memorandum of Attorney's Fees - March 2000

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Merced County Fairgroun	Case Number: None

Date: 03/29/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Relayed conversation with Steve Work.  
Will call them back after talking to Dossetti.; Notes

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Merced County Fairgroun	Case Number: None

Date: 03/31/1900 Activity Code: LT Hourly Rate: \$ 175.

Time Spent: 2. Charge to Client: \$ 350.

Activity Memo: Letter to Chief of Police City of Merced.

---

Client Name: Russ & Sally Nordyke	Client Account No.: 99 032
Matter Name: Nordyke v. Merced County Fairgroun	Case Number: None

Date: 03/31/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Nordyke, Russ & Sally -- left message -- Please call be re: letter to Merced  
Chief of Police.; Notes

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
5/6/2000	991

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	83.3	175.00	14,577.50
		<b>Total</b>	\$14,577.50

Memorandum of Attorney's Fees - April 2000

---

Client Name: Roy Lee Denney  
Matter Name: Marriage of Denney

Client Account No.: 98 028  
Case Number: 1 98 FL 080349

Date: 05/03/1900 Activity Code: tc Hourly Rate: \$ 150.

Time Spent: 0.1 Charge to Client: \$ 15.

Activity Memo: Telephone call to Denney, Roy Lee -- left message -- Spoke to Ceda' attorney. He is on it. ;  
Notes

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/03/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Baker, Cameron -- spoke -- We are objecting to amicus beeing filed late.;  
Notes

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/03/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call to Michel, Chuck -- spoke -- Thoughts on Consolidation. ; Notes

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/03/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Discussed consolidation and amicus  
briefs. No to both. ; Notes

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/03/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Weaver, Sayre -- spoke -- We will oppose City of San Francisco filing Amicus. ; Notes

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/10/1900 Activity Code: RES Hourly Rate: \$ 175.

Time Spent: 3.5 Charge to Client: \$ 612.5

Activity Memo: On-Line Research for Appellate Reply.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/11/1900 Activity Code: RES Hourly Rate: \$ 175.

Time Spent: 5.5 Charge to Client: \$ 962.5

Activity Memo: On-Line Research - Appellate Reply.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/12/1900 Activity Code: DCR Hourly Rate: \$ 175.

Time Spent: 5. Charge to Client: \$ 875.

Activity Memo: Review & Analysis of Docs - Appellees' Answer Brief.

Donald E. J. Kilmer, Jr.

Attorney at Law

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/12/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 2. Charge to Client: \$ 350.

Activity Memo: Prepare Outline for Appellate Reply.

---

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/13/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 4. Charge to Client: \$ 700.

Activity Memo: Prepare Reply Brief.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/13/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call to Christian, Susan -- spoke -- No more extensions of time to file further briefs. I can move the court to file supplemental briefing if Amicus raises new issues. ; Notes

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/14/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 5.5 Charge to Client: \$ 962.5

Activity Memo: Prepare Reply Brief.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/14/1900 Activity Code: RES Hourly Rate: \$ 175.

Time Spent: 3.5 Charge to Client: \$ 612.5

Activity Memo: On-Line Research - Reply Brief issues.

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/17/1900 Activity Code: FIL Hourly Rate: \$ 175.

Time Spent: 0.5 Charge to Client: \$ 87.5

Activity Memo: File Docs with Court

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/17/1900 Activity Code: FIL Hourly Rate: \$ 175.

Time Spent: 0.5 Charge to Client: \$ 87.5

Activity Memo: Serve Docs to Parties.

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/17/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 3.5 Charge to Client: \$ 612.5

Activity Memo: Prepare Final Version of Reply. Prepare Certificates and POS.

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/17/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 2.5 Charge to Client: \$ 437.5

Activity Memo: Prepare Reply for filing and Service. 25 copies and binding.



Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/20/1900 Activity Code: LF Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Letter from Marin County Fairgrounds. Increased security from 2 deputy sheriffs to 10.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/21/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Marin County Fairgrounds Gun show.;  
Notes

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/24/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 2. Charge to Client: \$ 350.

Activity Memo: Prepare Motion opposing Alameda's Motion to Strike.

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 04/24/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 4.5 Charge to Client: \$ 787.5

Activity Memo: Prepare Points & Auth

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/25/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 2. Charge to Client: \$ 350.

Activity Memo: File and Serve Motion - include copy and binding time.

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/25/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 2.5 Charge to Client: \$ 437.5

Activity Memo: Prepare Points & Auth fina draft of Brief.

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/25/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Status re: Marin and and Alameda Case.; Notes

---

Client Name: Russ & Sally Nordyke  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 04/26/1900 Activity Code: FIL Hourly Rate: \$ 175.

Time Spent: 1.5 Charge to Client: \$ 262.5

Activity Memo: Update File

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/27/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.3 Charge to Client: \$ 52.5

Activity Memo: Telephone call to Rieger, Tim -- left message -- Need help from DOJ to keep gun shows on public property.; Notes spike to Steve Buford first.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/28/1900 Activity Code: RES Hourly Rate: \$ 175.

Time Spent: 1.5 Charge to Client: \$ 262.5

Activity Memo: Library Research - Judicial Notice of guns as art.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/28/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.5 Charge to Client: \$ 87.5

Activity Memo: Telephone call to Kates, Don -- spoke -- Re: Amicus Briefs and Judicial Notice.; Notes

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/29/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 0.5 Charge to Client: \$ 87.5

Activity Memo: File and Serve Motion

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/01/1900 Activity Code: RES Hourly Rate: \$ 175.

Time Spent: 2.5 Charge to Client: \$ 437.5

Activity Memo: On-Line Research Judicial Notice law in appellate courts.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/02/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 1. Charge to Client: \$ 175.

Activity Memo: Prepare Motion for Judicial Notice.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/02/1900 Activity Code: LAM Hourly Rate: \$ 175.

Time Spent: 4. Charge to Client: \$ 700.

Activity Memo: Prepare Points & Auth on Judicial Notice.

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/02/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 2. Charge to Client: \$ 350.

Activity Memo: Prepare Exhibits for Request for Judicial Notice. Color copies from book Steel Canvas.

Memorandum of Attorney's Fees - April 2000

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Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/03/1900 Activity Code: FIL Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: File Docs with Court - Judicial Notice.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/03/1900 Activity Code: FIL Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Serve Docs - Judicial Notice.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/03/1900 Activity Code: FIL Hourly Rate: \$ 175.

Time Spent: 1.5 Charge to Client: \$ 262.5

Activity Memo: Update File - Organize files and binders.

---

Client Name: Russ & Sally Nordyke Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/03/1900 Activity Code: LT Hourly Rate: \$ 175.

Time Spent: 1. Charge to Client: \$ 175.

Activity Memo: Letter to Client

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 05/03/1900 Activity Code: PRP Hourly Rate: \$ 175.

Time Spent: 1.5 Charge to Client: \$ 262.5

Activity Memo: Prepare Judicial notice for filing - copy and binding.

Donald E. J. Kilmer, Jr.

Attorney at Law

Memorandum of Attorney's Fees - April 2000

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds

Case Number: None

Date: 04/05/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Spoke to Chief Dossetti. May want 4 instead of 8 guards.; Notes

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds

Case Number: None

Date: 04/05/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Dossetti, Tony -- spoke -- He is going to talk to Fair Management about reducing security to 4. I asked for 2. Will get back to me.; Notes

---

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds

Case Number: None

Date: 04/06/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call from Mc Donald -- spoke -- Security reduced to 4. Sergeant Mc Donald will be at show. Will work with us to draw up security plan.; Notes

---

Memorandum of Attorney's Fees - April 2000

Client Name: Russ & Sally Nordyke

Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds

Case Number: None

Date: 04/13/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call from Davidson, Sheryl -- spoke -- Security reduced to 4. ; Notes



Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
5/8/2000	1008

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Copy Charge per page	4,576	0.15	686.40
<b>Total</b>			\$686.40

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
6/12/2000	1037

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	1	175.00	175.00
		<b>Total</b>	\$175.00

Memorandum of Attorney's Fees - May 2000

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Client Name: Nordyke, Russ & Sally  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 05/17/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.2 Charge to Client: \$ 35.

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Spoke about Lodi gun show, San Rafael and possible new venue for San Jose.; Conversation

---

Client Name: Nordyke, Russ & Sally  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 05/18/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.3 Charge to Client: \$ 52.5

Activity Memo: Telephone call to McVickers, Virgil -- spoke -- Re: Status of lawsuits. ; Conversation

---

Client Name: Nordyke, Russ & Sally  
Matter Name: Nordyke v. Alameda

Client Account No.: 99 032  
Case Number: C 99 20947 JW

Date: 05/31/1900 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.3 Charge to Client: \$ 52.5

Activity Memo: Telephone call to Wright, Michael -- spoke -- Re: Scheduling order for oral arguments. ; Conversation

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/1/2000	1072

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	0.2	175.00	35.00
<b>Total</b>			<b>\$35.00</b>

Donald E. J. Kilmer, Jr.

Attorney at Law

Memorandum of Attorney's Fees - July 2000

---

Client Name: Nordyke, Russ & Sally

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 07/05/2000 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Nordyke, Russ & Sally -- left message -- Arguments set for Aug. 10, 2000 @ 9:00 a.m. in #4.; Message

---

Client Name: Nordyke, Russ & Sally

Client Account No.: 99 032

Matter Name: Nordyke v. Alameda

Case Number: C 99 20947 JW

Date: 07/05/2000 Activity Code: tc Hourly Rate: \$ 175.

Time Spent: 0.1 Charge to Client: \$ 17.5

Activity Memo: Telephone call to Wright, Michael -- left message -- Sending Briefs and Req for Judicial Notice. Will send motions if you want them.; Message

---

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
9/22/2000	1104

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	38.7	175.00	6,772.50
Copy Charge per page	950	0.15	142.50
Ninth Circuit Court of Appeal		18.28	18.28
WestLaw Charges		130.00	130.00
WestLaw Charges		10.07	10.07
WestLaw Charges		25.46	25.46
Appeal Service		29.12	29.12
Merced Chief of Police.		11.33	11.33
Appeal filings.		85.23	85.23
Nordyke Appeal		15.86	15.86
Nordyke		144.93	144.93
Nordyke		317.44	317.44
Nordyke		132.72	132.72
Total Reimbursable Expenses			920.44
		<b>Total</b>	<b>\$7,835.44</b>

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/02/1900 Attorney Time: 0.1 Work Performed: Telephone call to Nordyke, Russ & Sally -- left message -- Re: Oral Arguments and returning your call. ; Message

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/07/1900 Attorney Time: 4. Work Performed: Prepare for Court Appearance - Oral Arguments

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/07/1900 Attorney Time: 3. Work Performed: Prepare for Court Appearance - Oral Arguments. Ninth Circuit.

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/07/1900 Attorney Time: 2. Work Performed: Update File for Appeal Oral Arguments.

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/07/1900 Attorney Time: 0.2 Work Performed: Telephone call from Weaver, Sayre -- spoke -- Relevance of Contract. To prove Fairground employees are not County employees. ; Conversation

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/08/1900 Attorney Time: 4. Work Performed: Prepare for Court Appearance - Oral arguments.

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/08/1900 Attorney Time: 6. Work Performed: Meeting outside office with Kates, Michel and Wright. Attorneys for Great Western. San Francisco.

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/09/1900 Attorney Time: 8. Work Performed: Prepare for Court Appearance - Appeal Oral Arguments. Includes drive time to SF.

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/10/1900 Attorney Time: 3.5 Work Performed: Court Appearance -  
Oral Arguments.

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/10/1900 Attorney Time: 4. Work Performed: Prepare for Court  
Appearance - Oral Arugments.

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/10/1900 Attorney Time: 0.7 Work Performed: Travel Time - Auto  
return to San Jose.

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/14/1900 Attorney Time: 0.3 Work Performed: Telephone call to  
McVickers, Virgil -- spoke -- Status of Case.; Conversation

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/27/1900 Attorney Time: 1. Work Performed: Meeting outside office  
at TS trade show Santa Clara Fairgrounds.

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 08/29/1900 Attorney Time: 1. Work Performed: On-Line Research

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 09/12/1900 Attorney Time: 0.3 Work Performed: Telephone call from  
Michel, Chuck -- spoke -- Certification to Cal Supreme.; Conversation

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 09/12/1900 Attorney Time: 0.1 Work Performed: Telephone call to  
Holbrook, David -- spoke -- Comments about Certification to Cal Supreme Court.; Conversation

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 09/12/1900 Attorney Time: 0.1 Work Performed: Telephone call to  
Kates, Don -- spoke -- Certification to Cal Supreme Court.; Conversation

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 09/12/1900 Attorney Time: 0.2 Work Performed: Telephone call to  
Nordyke, Russ & Sally -- spoke -- Certification to Cal Supreme Court.; Conversation

---

Client: Nordyke, Russ & Sally Case name: Nordyke v. Alameda Case No.: C 99 20947 JW  
Date Work Performed: 09/12/1900 Attorney Time: 0.2 Work Performed: Telephone call to  
Wright, Michael -- spoke -- Re: Certifcation to Supreme Court.; Conversation

---



Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
12/20/2000	1134

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney's fees at rate of \$175/hr. See attached memorandum for detail.	15.9	175.00	2,782.50
<b>Total</b>			<b>\$2,782.50</b>

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 10/18/2000 Time Spent: 1.  
Activity Memo: Letter to Abby Kohn re: gun show culture.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 11/06/2000 Time Spent: 0.1  
Activity Memo: Telephone call to Lynch, Kathy -- left message -- Get me Rossi contact info.;  
Message

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/18/2000 Time Spent: 0.2  
Activity Memo: Telephone call from Govi, Jack -- spoke -- Will set up meeting with Mc Mains  
to discuss security at gun show. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/18/2000 Time Spent: 0.2  
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Talked to Govi. Plans  
to meet on Friday 10/20 to work on security plan.; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 10/18/2000   Time Spent: 0.1

Activity Memo: Telephone call to Nordyke, Russ & Sally -- left message -- Please call me back re: Marin Gun Show.; Message

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 10/19/2000   Time Spent: 0.1

Activity Memo: Telephone call from McMains, Tom -- left message -- meeting for security of gun show in Marin.; Message

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 10/19/2000   Time Spent: 0.1

Activity Memo: Telephone call to Govi, Jack -- left message -- Meeting with law enforcement for security plan at gun show in Marin. ; Message

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 10/23/2000   Time Spent: 4.5

Activity Memo: Meeting outside office with Captain McMains of Marin County Sheriff's Dept. Includes travel time.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 11/14/2000   Time Spent: 0.2

Activity Memo: Conversation Sally Nordyke.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 11/14/2000   Time Spent: 0.2

Activity Memo: Conversation with Randy Rossi.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 11/14/2000   Time Spent: 0.6

Activity Memo: Telephone call from Farley, Jim -- spoke -- RE: Gun show security. He wants 10 we want 3. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 11/14/2000   Time Spent: 0.2

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Sally: security at show - status.; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 11/17/2000   Time Spent: 0.1

Activity Memo: Telephone call to McMains, Tom -- spoke -- status - answer on Monday 11/20. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds   Case Number: None

Date: 11/17/2000   Time Spent: 0.1

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Status - See call to McMains. Suggest sending incomplete security plan to DOJ with cover letter. ; Message

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
1/3/2001	1166

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Cal Sup Ct Attorney Fee. See attached memorandum.	10	39.78 200.00	39.78 2,000.00
		<b>Total</b>	<b>\$2,039.78</b>

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/03/2000 Time Spent: 2.  
Activity Memo: Meeting outside office

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/06/2000 Time Spent: 5.  
Activity Memo: Prepare Motion to extend time for filing brief.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/06/2000 Time Spent: 0.1  
Activity Memo: Telephone call to Kates, Don -- spoke -- Timing for amici briefs - mid-April - OK.; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/06/2000 Time Spent: 0.3  
Activity Memo: Telephone call to Wagovich, Ken -- spoke -- What is our briefing schedule? Fee? Advised by clerk to file stipulation and/or request for extension of time.; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/06/2000 Time Spent: 0.1  
Activity Memo: Telephone call to Weaver, Sayre -- left message -- Spoke to Mike Wright, they

have no problem with Jan 31 opening brief schedule.; Message

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/06/2000 Time Spent: 0.3

Activity Memo: Telephone call to Wright, Michael -- spoke -- Has no problem with Jan 31 opening brief schedule.; Conversation

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 12/07/2000 Time Spent: 1.5

Activity Memo: File and Serve application to extend time for opening brief.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 11/30/2000 Time Spent: 0.1

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- What's up with Marin? I will call Farley.; Conversation

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
4/2/2001	1197

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Cal Sup Ct - Fed Ex Cost		122.86	122.86
Attorney Fee. See attached memorandum.	30.1	200.00	6,020.00
		<b>Total</b>	\$6,142.86



Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/09/2001 Time Spent: 2.

Activity Memo: Review breifs from 9th Circuit and research any new law.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/12/2001 Time Spent: 5.

Activity Memo: CD-ROM Research - Procedural rules for Cal. Supreme Court filing.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/18/2001 Time Spent: 3.

Activity Memo: Review Original Complaint and Exhibits.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/19/2001 Time Spent: 2.

Activity Memo: Draft of Appellant's Opening Argument for Cal Sup Ct.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/21/2001 Time Spent: 3.

Activity Memo: Edit - Opening brief.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/27/2001 Time Spent: 4.5

Activity Memo: Review - Opening Brief and put final touches on it.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/28/2001 Time Spent: 5.

Activity Memo: Prepare Opening Briefs for filing and service.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 01/31/2001 Time Spent: 1.

Activity Memo: File and Serve opening brief by FedEx.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 02/07/2001 Time Spent: 0.1

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- There may be a outdoor sporting show at the Alameda County Fairgrounds Feb. 17 & 18 "with guns."; Conversation

---

Law Office of Donald Kilmer,  
Professional Corporation

# Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
5/2/2001	1223

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney Fee. See attached memorandum.	20	200.00	4,000.00
Cal Sup Ct		82.80	82.80
Cal Sup Ct		61.62	61.62
Total Reimbursable Expenses			144.42
		<b>Total</b>	\$4,144.42

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/05/2001 Time Spent: 4.5  
Activity Memo: Draft Appellants' Reply Brief. Research.

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/06/2001 Time Spent: 7.  
Activity Memo: Prepare Reply Brief.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/16/2001 Time Spent: 1.  
Activity Memo: File and Serve Appellate Motion Response.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/16/2001 Time Spent: 5.  
Activity Memo: Prepare Response to Motion in Supreme Court.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 04/19/2001 Time Spent: 0.5  
Activity Memo: Letter to Ron Baker.

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Nordyke, Russ & Sally	Nordyke v. Alameda	99 032	C 99 20947 JW	0.5
Nordyke, Russ & Sally	Nordyke v. Alameda	99 032	C 99 20947 JW	7
Nordyke, Russ & Sally	Nordyke v. Alameda	99 032	C 99 20947 JW	4.5
Nordyke, Russ & Sally	Nordyke v. Alameda	99 032	C 99 20947 JW	1
Nordyke, Russ & Sally	Nordyke v. Alameda	99 032	C 99 20947 JW	2
Nordyke, Russ & Sally	Nordyke v. Alameda	99 032	C 99 20947 JW	5
				20

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
6/11/2001	1248

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney Fee. See attached memorandum.	9.1	200.00	1,820.00
Copy Charge per page	3,835	0.15	575.25
		<b>Total</b>	\$2,395.25

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/14/1901 Time Spent: 1.5  
Activity Memo: Letter to Kates.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/14/1901 Time Spent: 2.  
Activity Memo: On-Line Research for memo to Kates re: Amicus Briefs.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 05/15/1901 Time Spent: 0.2  
Activity Memo: Letter to Opposing Counsel

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 06/10/1901 Time Spent: 1.5  
Activity Memo: Consultation with Client at San Jose gun show.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 05/17/1901 Time Spent: 0.5  
Activity Memo: Serve Documents - claims.

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 05/17/1901 Time Spent: 0.2  
Activity Memo: Letter to Client

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 05/17/1901 Time Spent: 3.

Activity Memo: Prepare claims against Merced and Marin.

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Client Name: Omer, Mustafe Client Account No.: 01 008

Matter Name: San Jose v. Omer Case Number: Admin

Date: 05/10/1901 Time Spent: 1.5

Activity Memo: Court Appearance - Hearing before permit appeals board.

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Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
9/21/2001	1344

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Cert Copies of 2000-94		6.20	6.20
Attorney Fee. See attached memorandum.	2.7	200.00	540.00
Copy Charge per page	58	0.15	8.70
		<b>Total</b>	\$554.90

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 08/10/2001 Time Spent: 0.3

Activity Memo: Consultation with Co-Counsel - RFJN on Marin Statute. Called Kates.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 08/24/2001 Time Spent: 0.2

Activity Memo: Letter to Co-Counsel - Wright.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 08/24/2001 Time Spent: 1.

Activity Memo: Meeting outside office with Russ & Sally. Breakfast. Status of case.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/06/2001 Time Spent: 0.1

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Can't get Marin to give them a contract. Call Jack Govi. ; Conversation

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/06/2001 Time Spent: 0.1

Activity Memo: Telephone call to Govi, Jack -- left message -- Please call me re: contract for

this year's gun show.; Message

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds      Case Number: None

Date: 09/07/2001      Time Spent: 0.3

Activity Memo: Telephone call from Govi, Jack -- spoke -- We want to hold show in Nov. without excessive security. We will sue if we can't get satisfaction.; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds      Case Number: None

Date: 09/07/2001      Time Spent: 0.2

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Update on conversation with Govi.; Conversation

---

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/20/2001	1372

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney Fee. See attached memorandum.	9.2	200.00	1,840.00
		<b>Total</b>	\$1,840.00

Activity Memo: Telephone call to Michel, Chuck -- spoke -- Harrott case in trouble. Need expert testimony at remittitur hearing. ; Conversation

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Client Name: National Rifle Association Client Account No.: 97 012  
Matter Name: Harrott v. County of Kings Case Number: SO 55064

Date: 11/16/1901 Time Spent: 0.1  
Activity Memo: Conversation with Michel.

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Client Name: Nordyke, Russ & Sally Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 09/28/1901 Time Spent: 7.  
Activity Memo: Prepare Request for Judicial Notice.

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Client Name: Nordyke, Russ & Sally Client Account No.: 99 032  
Matter Name: Nordyke v. Alameda Case Number: C 99 20947 JW

Date: 11/07/1901 Time Spent: 0.2  
Activity Memo: Letter to Court

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Client Name: Nordyke, Russ & Sally Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/21/1901 Time Spent: 0.3  
Activity Memo: Telephone call from Govi, Jack -- spoke -- This contract sucks. Too much for security, P's 12 & 15 are problems. ; Conversation

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/21/1901 Time Spent: 0.1  
Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Russ. Got fax re: Marin

Center. Missing page 3. Will call Govi. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/24/1901 Time Spent: 0.2

Activity Memo: Telephone call from Govi, Jack -- spoke -- Modify contract for 4 officers. Modify paragraphs 9, 12 & 15. Sheriff of Marin may reduce that number to 2 or one based upon security plan. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/25/1901 Time Spent: 0.2

Activity Memo: Telephone call from McMains, Tom -- spoke -- Lt. Jack Cooper. 2 Officers ok. wants Security for night time. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/25/1901 Time Spent: 0.2

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Sally. 2 deputy sheriffs. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/24/1901 Time Spent: 0.1

Activity Memo: Telephone call from Govi, Jack -- spoke -- Dorothy Jones - 415/499-6129. Ok to reinstate P 9. ; Conversation

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Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/24/1901 Time Spent: 0.1

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- Ok to agree to Marin contact with p 9 restored and 4 cops present. ; Conversation

---

Client Name: Nordyke, Russ & Sally      Client Account No.: 99 032  
Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/26/1901 Time Spent: 0.1

Activity Memo: Letter from Jack Farley. Wants 6 deputies.

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/26/1901 Time Spent: 0.1

Activity Memo: Telephone call to Govi, Jack -- left message -- What's up with Farley asking for 6 deputy sheriffs? Please call me back.; Message

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 10/26/1901 Time Spent: 0.1

Activity Memo: Telephone call to Nordyke, Russ & Sally -- spoke -- I'll handle it. I already have a call into Govi and Jones. ; Conversation

---

Client Name: Nordyke, Russ & Sally Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 11/02/1901 Time Spent: 0.1

Activity Memo: Telephone call from Govi, Jack -- spoke -- Talk to Dennis Finnigen, Undersheriff @ 415/499-7252.; Conversation

---

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
12/29/2001	1412

**BILL TO**

Russ & Sally Nordyke  
P.O. Box 871  
Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney Fee. See attached memorandum.	0.3	200.00	60.00
Copy Charge per page	524	0.15	78.60
		<b>Total</b>	\$138.60



Client Name: Nordyke, Russ & Sally

Client Account No.: 99 032

Matter Name: Nordyke v. Merced County Fairgrounds Case Number: None

Date: 09/24/2001 Time Spent: 0.3

Activity Memo: Telephone call from Nordyke, Russ & Sally -- spoke -- Modify K. Sign and send in deposit. I will contact Lt. Jack Cooper as gun show liason @ 415/499-7250.;  
Conversation

---

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
2/1/2002	1452

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
Attorney Fee. See attached memorandum.	20.5	200.00	4,100.00
		<b>Total</b>	\$4,100.00

**Attachment #2**

Declaration of Donald Kilmer  
in Support of Motion for Attorney Fees  
and Costs and/or Sanctions

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
3/15/2002	AA-00025

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
[2/1/02] Update File	4	200.00	800.00
[2/1/02] Firm Library and online. Check status of case law.	2	200.00	400.00
[2/2/02] Prepare for Court Appearance - Moot court in San Francisco. Prepare outline for oral arguments before Supreme Court.	8	200.00	1,600.00
[2/3/02] Prepare for Court Appearance - revise outline.	3	200.00	600.00
[2/3/02] Travel Time - Auto to Sacramento.	2.5	200.00	500.00
[2/3/02] On-Line: WestLaw	2	200.00	400.00
[2/4/02] Prepare for Court Appearance: Oral Argument before Supreme Court.	8	200.00	1,600.00
[2/5/02] Prepare for Court Appearance	4	200.00	800.00
[2/5/02] Court Appearance	2.5	200.00	500.00
[2/5/02] Travel Time - Auto return home.	2	200.00	400.00
[2/9/02] Meeting outside office with clients. San Jose gun show.	1	200.00	200.00
[2/28/02] On-Line: Other 9th Circuit opinion by our judge re: First Amendment.	1	200.00	200.00
Copy Charge per page	105	0.15	15.75
		224.97	224.97
<b>Total</b>			<b>\$8,240.72</b>

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
5/2/2002	AA-00060

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
[3/19/02] Update File - after SCT oral arguments.	2	200.00	400.00
[4/29/02] Telephone call from Russ & Sally Nordyke -- spoke -- Status of case and developments at NRA convention.; Conversation	0.3	200.00	60.00
[4/22/02] Review Court decision.	1.5	200.00	300.00
[4/22/02] Miscellaneous - Gave interviews to print, radio and television all day.	7	200.00	1,400.00
[4/23/02] Firm Library - petition for rehearing.	3	200.00	600.00
[5/1/02] Telephone call from Michael Wright -- spoke -- Discussed strategy from here on out. Michael will call on Friday with news about client's decision.; Conversation	0.4	200.00	80.00
Copy Charge per page 5/1/02	53	0.15	7.95
		<b>Total</b>	<b>\$2,847.95</b>

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
6/3/2002	AA-00089

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
[5/6/02] Telephone call to Michael Wright -- left message -- Filed petition for re-hearing. Call me.; Message	0.1	200.00	20.00
[5/6/02] Telephone call to Mr. Chuck Michel -- spoke -- Filed petition for re-hearing.; Conversation	0.1	200.00	20.00
[5/6/02] Prepare Motion for re-hearing. File and Serve.	5.5	200.00	1,100.00
[5/14/02] Telephone call to Russ & Sally Nordyke -- spoke -- Status of case.; Conversation	0.1	200.00	20.00
4-165-95536		21.46	21.46
4-213-06153		70.27	70.27
Total Reimbursable Expenses			91.73
		<b>Total</b>	<b>\$1,251.73</b>

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
7/5/2002	AA-00117

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
[6/3/02] Review Opposition to Motion for rehearing.	1	200.00	200.00
[6/8/02] Meeting outside office with clients at Santa Clara Fairgrounds.	2	200.00	400.00
[6/10/02] Telephone call from Michael Wright -- spoke -- They are pursuing settlement with L A county. Maybe we should too.; Conversation	0.3	200.00	60.00
[7/1/02] Telephone call to Russ & Sally Nordyke -- spoke -- Russ: Petition for rehearing denied. I would like to send "opening gambit" letter to OC. Otherwise, I need to file motion with the Ninth circuit to rebrief the First Amendment Issues. Ok from client to do both.; Conversation	0.1	200.00	20.00
[7/1/02] Review Order from Cal Supreme Court.	0.5	200.00	100.00
[7/1/02] Letter to Client	0.2	200.00	40.00
[7/1/02] Letter to Co-Counsel	0.2	200.00	40.00
		<b>Total</b>	<b>\$860.00</b>

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/30/2002	AA-00159

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
[7/15/02] Telephone call to Sayre Weaver -- spoke -- Status of case and explored the issue of settlement discussions.; Conversation	0.2	200.00	40.00
[8/6/02] Letter from Opposing Counsel - Marin.	0.2	200.00	40.00
[8/6/02] Letter to Opposing Counsel	0.4	200.00	80.00
[8/6/02] Letter to Client	0.2	200.00	40.00
[8/18/02] CD-Rom Database, ONline, Firm Library.	5	200.00	1,000.00
[8/18/02] Prepare Appellate Brief for Ninth Circuit.	10	200.00	2,000.00
[8/19/02] Review/Revise Ninth Circuit Brief.	4	200.00	800.00
[8/19/02] File and Serve - copy and bind brief.	2	200.00	400.00
Copy Charge per page	374	0.15	56.10
Sayre Weaver		31.42	31.42
Richard Winnie		13.38	13.38
Clerk of the Court 95 7th Street		20.38	20.38
Total Reimbursable Expenses			65.18
		<b>Total</b>	<b>\$4,521.28</b>



Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/30/2002	AA-00172

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988

DESCRIPTION	TIME	RATE	AMOUNT
[7/29/02] Telephone call from Jack Govi -- spoke -- Will not fill date. Sups are considering an ordinance, but he is of the opinion that they should wait until the 9th Circuit has made a ruling.; Conversation	0.3	200.00	60.00
[7/29/02] Telephone call to Russ & Sally Nordyke -- spoke -- Russ: Talked to Govi. We have orders from 9th Circuit re: briefing of Ca Sup Preemption issues.; Conversation	0.2	200.00	40.00
Fax Cost per page.	374	0.15	56.10
<b>Total</b>			\$156.10

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/4/2002	AA-00216

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[9/7/02] Letter from Court - Order to brief federal constitutional questions, including Emerson.	0.2	200.00	40.00
[9/7/02] Firm Library	2.5	200.00	500.00
[9/9/02] Telephone call to Russ & Sally Nordyke -- left message -- Re: recent order from 9th Circuit.; Message	0.1	200.00	20.00
[9/9/02] Telephone call to Russ & Sally Nordyke -- spoke -- Discussed status of Ninth Circuit Order.; Conversation	0.1	200.00	20.00
[9/9/02] Telephone call from Robert Dowlet -- spoke -- NRA will send briefs re: Emerson, Houston case and Lawrence Tribe material.; Conversation	0.2	200.00	40.00
[9/9/02] Telephone call from Greg Adler -- spoke -- Discussed assignments for briefing.; Conversation	0.2	200.00	40.00
[9/9/02] Prepare documents for digital transmission.	2	200.00	400.00
[9/10/02] Telephone call from Virgil McVickers -- spoke -- Discussed status of brief before 9th circuit. We are being offered help by Emerson's attorneys.; Conversation	0.3	200.00	60.00
[9/10/02] On-Line: Other	2.5	200.00	500.00
[9/11/02] Telephone call from Mr. Chuck Michel -- spoke -- NRA wants Halbrook to take over case. They even hinted at paying my fees to date.; Conversation	0.2	200.00	40.00
[9/11/02] Telephone call to Russ & Sally Nordyke -- spoke -- Spoke to Russ and Sally about conversation with Michel. They have complete confidence in me and want to be kept apprized of events.; Conversation	0.1	200.00	20.00
		<b>Total</b>	

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/4/2002	AA-00216

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[9/11/02] Telephone call to Don Kates -- spoke -- Discussed Michel's call. He is as much in the dark as I was.; Conversation	0.2	200.00	40.00
[9/11/02] Telephone call from Virgil McVickers -- spoke -- Discussed status of briefing and machinations of NRA.; Conversation	0.3	200.00	60.00
[9/16/02] Telephone call from Russ & Sally Nordyke -- spoke -- Russ. Marin county will send out contract on gun show for November.; Conversation	0.1	200.00	20.00
[9/23/02] Draft revised outline and continue research for Appellate Brief.	3.5	200.00	700.00
[9/23/02] Firm Library - First Amendment Research.	5	200.00	1,000.00
[9/6/02] Firm Library - First Amendment Issues.	0.5	200.00	100.00
[9/7/02] Firm Library - Supplemental Briefing Requirements.	2	200.00	400.00
[9/9/02] Firm Library - Supplemental Brief issues.	2	200.00	400.00
[9/10/02] On-Line: Other - Issues of Violence linked to Gun Control. ie., recent murder rampage in Oakland not stopped by banning guns from fairgrounds.	3	200.00	600.00
[9/11/02] On-Line: LexisNexis	2	200.00	400.00
[9/13/02] Draft outlines and research plans.	3	200.00	600.00
[9/14/02] Firm Library - First Amendment cases.	2.5	200.00	500.00
[9/15/02] Firm Library - Second Amendment Issues.	4	200.00	800.00
[9/17/02] Firm Library - Second Amendment sources.	4	200.00	800.00
[9/19/02] On-Line: Other - Supplemental Briefing issues.	3.5	200.00	700.00
[9/20/02] Draft - Revise outline and brief strategy.	2	200.00	400.00
[9/24/02] Firm Library - Second and First Amendment Research.	3.5	200.00	700.00
		<b>Total</b>	

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/4/2002	AA-00216

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[9/24/02] Review/Revise notes and outline.	3	200.00	600.00
[9/26/02] Draft First Draft of Brief.	4	200.00	800.00
[9/26/02] On-Line: LexisNexis	3.5	200.00	700.00
[9/26/02] On-Line: LexisNexis	2	200.00	400.00
[9/27/02] Draft Supplemental Appellate Brief.	4.5	200.00	900.00
[9/27/02] Review/Revise Appellate Brief.	4	200.00	800.00
[9/27/02] Draft Second Draft of Brief.	3.5	200.00	700.00
[9/28/02] Review/Revise Appellate Brief Drafts.	4	200.00	800.00
[9/28/02] On-Line: LexisNexis	4	200.00	800.00
[9/28/02] Firm Library - Law Review Articles.	3	200.00	600.00
[9/29/02] Draft Final Version of Appellate Brief.	4	200.00	800.00
[9/29/02] On-Line: LexisNexis	2	200.00	400.00
[9/29/02] Review/Revise Brief.	4	200.00	800.00
[9/29/02] Prepare exhibits and documents for binding.	2	200.00	400.00
[9/29/02] Computer Work - Prepare CD -Rom for Brief.	4	200.00	800.00
[9/30/02] Prepare Requests for Judicial Notice.	3.5	200.00	700.00
[9/30/02] Edit and finalize appellate brief.	2	200.00	400.00
[9/30/02] Prepare TOC and TOA.	1	200.00	200.00
[9/30/02] Prepare Documents for binding and bind documents.	2.5	200.00	500.00
[9/30/02] File and Serve	1.5	200.00	300.00
[10/4/02] Prepare revised CD Roms. File and Serve.	3.5	200.00	700.00
[9/21/02] Firm Library	5	200.00	1,000.00
[9/22/02] Firm Library	5	200.00	1,000.00
[9/25/02] Firm Library	5	200.00	1,000.00
[9/25/02] On-Line: LexisNexis	3	200.00	600.00
		<b>Total</b>	

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
11/4/2002	AA-00216

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
Nordyke Appeal - Copy Costs		355.71	355.71
Sayre Weaver		23.83	23.83
Richard Winnie		16.91	16.91
Clerk of the Court 95 7th Street		22.29	22.29
Clerk of the Court 95 7th street		22.29	22.29
Total Reimbursable Expenses			441.03
		<b>Total</b>	<b>\$27,041.03</b>

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
12/10/2002	AA-00290

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[12/9/02] Telephone call from Don Kates -- spoke -- Discussed impact of Silveira on Gun Show Case.; Conversation	0.3	200.00	60.00
Fed Ex - Don Vincent		14.94	14.94
Judicial Profile - Gould		15.00	15.00
Judicial Profile - Diarmuid		15.00	15.00
Judicial Profile - Alarcon		15.00	15.00
Research		75.00	75.00
Total Reimbursable Expenses			134.94
Copy Charge per page	2,012	0.15	301.80
		<b>Total</b>	\$496.74

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
2/12/2003	AA-00313

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[12/26/02] On-Line: LexisNexis	1	200.00	200.00
[12/30/02] Prepare Request for Judicial Notice. Research included.	3	200.00	600.00
[12/30/02] File and Serve RFJN	0.2	200.00	40.00
[12/30/02] Letter to Court	0.2	200.00	40.00
[1/16/03] Telephone call from Sara Zaske -- spoke -- Discussed case against San Mateo.	0.5	200.00	100.00
		<b>Total</b>	\$980.00

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
2/12/2003	AA-00330

BILL TO
Nordyke - San Mateo

DESCRIPTION	TIME	RATE	AMOUNT
[1/20/03] Telephone call from Sara Zaske -- spoke -- Discussed timeline of filing suit.; Conversation	0.2	200.00	40.00
Copy Charge per page	84	0.15	12.60
<b>Total</b>			\$52.60



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## Memorandum of Fees/Costs

DATE	INVOICE #
4/3/2003	AA-00355

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[2/18/03] Review Ninth Circuit Opinion.	1	200.00	200.00
[2/18/03] Conversation - with various reporters.	2	200.00	400.00
[2/19/03] Telephone call from Don Kates -- spoke -- Discussed discovery options if case is to return to District Court.; Conversation	0.5	200.00	100.00
[2/20/03] Telephone call to Mr. Stephen Halbrook, Ph.D. -- spoke -- Discussed options at this point.; Conversation	0.3	200.00	60.00
[2/20/03] Telephone call from Sara Zaske -- spoke -- Interview.; Conversation	0.3	200.00	60.00
[2/20/03] Conversation with Angel Shamy.	0.3	200.00	60.00
[2/20/03] Telephone call from Bruce Colodny -- spoke -- Discussed en banc vs. district court.; Conversation	0.5	200.00	100.00
[2/21/03] Telephone call from Robert Dowlet -- spoke -- Vol 91 Kentucky Law Journal 311; Haydn Richards, Jr.; Conversation	0.1	200.00	20.00
[2/23/03] Telephone call to Mr. David Cortese -- spoke -- Discussed Nordyke decision.; Conversation	0.5	200.00	100.00
[2/23/03] Meeting outside office with client at San Jose Gun Show.	2.5	200.00	500.00
[2/24/03] Telephone call from Mr. Chuck Michel -- spoke -- Discussed En Banc issues.; Conversation	0.4	200.00	80.00
[2/24/03] Conversation with Don B. Kates.	0.5	200.00	100.00
[2/24/03] Conversation with Virgil Mc Vicker.	0.3	200.00	60.00
[3/3/03] Telephone call from Don Kates -- spoke -- Discussed Petition for ReHearing.; Conversation	0.5	200.00	100.00
		<b>Total</b>	

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
4/3/2003	AA-00355

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[3/4/03] Telephone call from Brian Pucket -- spoke -- Discussed Silveira and Nordyke.; Conversation	0.5	200.00	100.00
[3/10/03] Telephone call to Michael Wright -- spoke -- Discussed developments of our respective cases.; Conversation	0.4	200.00	80.00
[3/23/03] On-Line: LexisNexis	1.5	200.00	300.00
[3/26/03] Petition for ReHearing. On-Line: LexisNexis	4.5	200.00	900.00
[3/28/03] Firm Library	7	200.00	1,400.00
[3/29/03] Draft Petition for Rehearing.	12	200.00	2,400.00
[3/30/03] Review/Revise Petition for Rehearing.	5	200.00	1,000.00
[3/31/03] Revise - Finalize Petition for Rehearing.	4	200.00	800.00
[3/14/03] Firm Library - Petition for Rehearing.	2.5	200.00	500.00
[3/21/03] Firm Library - Petition for rehearing.	2	200.00	400.00
[3/24/03] Firm Library - Petition for Re Hearing.	1.5	200.00	300.00
[3/31/03] Prepare Brief for copying and binding.	5	200.00	1,000.00
[4/1/03] File Docs with Court	2.5	200.00	500.00
[4/1/03] Revise Petition for Font Error.	2.5	200.00	500.00
[4/1/03] File Docs with Court revised brief.	2.5	200.00	500.00
Fed Ex - Opposing Counsel		23.40	23.40
<b>Total</b>			<b>\$12,643.40</b>


Law Office of Donald Kilmer,  
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## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
4/7/2003	AA-382

BILL TO
Russ & Sally Nordyke P.O. Box 871 Willows, CA 95988



DESCRIPTION	TIME	RATE	AMOUNT
Hotel in Orlando		627.33	627.33
Flight to Orlando		487.00	487.00
Total Reimbursable Expenses			1,114.33
		<b>Total</b>	\$1,114.33

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
5/31/2003	AA-00404

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[5/6/03] On-Line: Other - Review Silveira Decision.	2.5	200.00	500.00
[5/8/03] Telephone call to Russ & Sally Nordyke -- spoke -- Discussed strategy re: Marin and San Mateo.; Conversation	0.2	200.00	40.00
[4/23/03] Miscellaneous - Speaking engagement NAAS	1.5	200.00	300.00
[5/9/03] Letter to Whom it may concern re: Silveira decision.	3	200.00	600.00
[5/28/03] Telephone call to Christopher Conte -- spoke -- Discussed meeting with Gorsky and cases against San Mateo, Marin and Sonoma.; Conversation	0.5	200.00	100.00
[5/28/03] Telephone call from Mr. Chuck Michel -- spoke -- Discussed meeting with Gorsky and cases against Marin, San Mateo and Sonoma.; Conversation	0.3	200.00	60.00
[5/29/03] On-Line: LexisNexis	2	200.00	400.00
En Banc		53.65	53.65
En Banc		81.75	81.75
Supreme Court Book		398.99	398.99
Fed Ex - Opposing Counsel		23.52	23.52
Mar 2003 - 0303142555		112.00	112.00
Total Reimbursable Expenses			669.91
34804		85.00	85.00
<b>Total</b>			<b>\$2,754.91</b>

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
8/1/2003	AA-00430

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[6/6/03] Telephone call from Peter Buxtun -- spoke -- Discussed Gorsky gambit.; Conversation	0.3	200.00	60.00
[6/9/03] Review Alameda's Response and Amici Motion.	1.5	200.00	300.00
[6/9/03] Prepare Response to Motion	2	200.00	400.00
[6/9/03] File and Serve - Response to Amici Motion.	1	200.00	200.00
[6/7/03] Meeting outside office with clients.	2	200.00	400.00
[6/10/03] Telephone call from Jack Govi -- spoke -- Discussed "as applied" issues and Marin ordinance.; Conversation	0.4	200.00	80.00
[6/11/03] Telephone call from Virgil McVickers -- spoke -- Discussed cases against other counties, Discussed Nordyke.; Conversation	0.3	200.00	60.00
Copy Charge per page	350	0.15	52.50
		<b>Total</b>	<b>\$1,552.50</b>

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/1/2003	AA-00454

BILL TO
Nordyke - Marin

DESCRIPTION	TIME	RATE	AMOUNT
[6/23/03] Draft Complaint during trip to Kates.	8	300.00	2,400.00
<b>Total</b>			\$2,400.00

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
10/8/2003	AA-00462

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[8/1/03] Telephone call from Jack Govi -- spoke -- Has draft complaint. Want to talk to board. Knows suit will be filed before end of August with or without Marin.; Conversation	0.2	300.00	60.00
[8/6/03] Telephone call from Jack Govi -- spoke -- No Deal. Ordinance stands. Service will be coming your way.; Conversation	0.2	300.00	60.00
<b>Total</b>			\$120.00

Law Office of Donald Kilmer,  
Professional Corporation

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## Memorandum of Fees/Costs

DATE	INVOICE #
10/8/2003	AA-00476

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[8/12/03] Telephone call from Mr. Chuck Michel -- spoke -- Discussed ABA panel and recent 2A developments.; Conversation	0.3	200.00	60.00
[9/12/03] Letter to Virgil Mc Vicker.	0.3	200.00	60.00
<b>Total</b>			\$120.00



Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
1/12/2004	AA-00551

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[12/17/03] Telephone call to Russ & Sally Nordyke -- spoke -- Discussed status since Silviera decided by SCOTUS.; Conversation	0.2	200.00	40.00
<b>Total</b>			\$40.00

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
1/25/2004	AA-00576

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[1/10/04] Meeting outside office at San Jose Gun Show.	2	200.00	400.00
		<b>Total</b>	\$400.00

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
2/25/2004	AA-00603

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[1/31/04] On-Line: Other - Second Amend Issues. Militia History.	5	200.00	1,000.00
<b>Total</b>			\$1,000.00

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Professional Corporation  
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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
3/24/2004	AA-00648

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[3/4/04] Letter to Client	0.4	200.00	80.00
		<b>Total</b>	\$80.00

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
4/23/2004	AA-00676

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[4/4/04] Firm Library - 2A amendment issues relating to militia.	4.5	200.00	900.00
[4/5/04] Review Ninth Circuit Opinion re: Denial of rehearing.	1.5	200.00	300.00
[4/5/04] Firm Library - deadlines and procedures for petition for cert.	2.5	200.00	500.00
[4/6/04] Meeting with, usually by phone. Various reporters and supports of Gun Show case. Gave interviews and held discussions with lead plaintiffs.	5	200.00	1,000.00
[4/7/04] Firm Library - Research and Notes to file. Discussions with colleagues regarding strategy and tactics for Cert Petition to SCOTUS.	7	200.00	1,400.00
[4/7/04] Lunch with Jess B. Guy.	1	200.00	200.00
[4/22/04] Conversations with Conte and Kates. Discussed Nordyke. Set up meeting with Kates in Portland.	0.5	200.00	100.00
[4/23/04] Firm Library	4.5	200.00	900.00
[4/17/04] Meeting outside office with clients at San Jose Gun Show.	2.5	200.00	500.00
Copy Charge per page	72	0.15	10.80
<b>Total</b>			\$5,810.80

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
5/26/2004	AA-00701

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[4/26/04] Prepare Application for Admission to SCOTUS bar.	0.5	200.00	100.00
[4/28/04] Letter to Madison Society and V. McVicker.	0.7	200.00	140.00
[4/28/04] Draft Version 1 of Joint status Statement. Includes procedural history.	3	200.00	600.00
[4/29/04] Firm Library - Prepare case for Supreme Court Petition.	1.5	200.00	300.00
[4/30/04] Meeting outside office with Don B. Kates.	8	200.00	1,600.00
[5/1/04] Meeting outside office with Don B. Kates.	8	200.00	1,600.00
[5/18/04] Court Appearance - includes travel time.	2.5	200.00	500.00
Invoice #1-750-78706		33.88	33.88
Copy Charge per page	5	0.15	0.75
		<b>Total</b>	<b>\$4,874.63</b>

Law Office of Donald Kilmer,  
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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
6/29/2004	AA-00746

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[5/26/04] Firm Library	3.5	200.00	700.00
[6/1/04] Firm Library	2	200.00	400.00
[6/5/04] Firm Library	5	200.00	1,000.00
[6/6/04] Draft Brief for SCOTUS.	8	200.00	1,600.00
[6/10/04] Prepare appendix.	10	200.00	2,000.00
[6/12/04] Meeting outside office with client at San Jose Fairgrounds.	1	200.00	200.00
[6/12/04] Revise Appendix.	4	200.00	800.00
[6/13/04] Revise Cert Petition	8	200.00	1,600.00
[6/14/04] Meeting outside office with Printer.	0.5	200.00	100.00
[6/14/04] Revise Appendix.	1.5	200.00	300.00
[6/14/04] Revise Appendix.	2	200.00	400.00
[6/17/04] Firm Library	2	200.00	400.00
[6/19/04] Prepare Cert Petition	12	200.00	2,400.00
[6/20/04] Prepare Cert Petition.	12	200.00	2,400.00
[6/21/04] Revise Appendix.	6	200.00	1,200.00
[6/23/04] Telephone call to Sayre Weaver -- spoke -- Talked to Sayre's assistant. Service should be made to 44 Montgomery Street, Suite 1420; SF, CA 94104; Conversation	0.1	200.00	20.00
[6/21/04] Revise Cert Petition	6	200.00	1,200.00
[6/22/04] Review/Revise Cert Petition.	12	200.00	2,400.00
[6/23/04] Review/Revise Cert Petition.	8	200.00	1,600.00
[6/24/04] Revise Cert Petition - page 22. Send to Printer.	2	200.00	400.00
[6/25/04] Review Cert Petition and research amici issues.	1.5	200.00	300.00
		<b>Total</b>	

Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
6/29/2004	AA-00746

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[6/25/04] Telephone call from Don Kates -- spoke -- Discussed Amici Issues.; Conversation	0.3	200.00	60.00
[6/29/04] Prepare Attorney Declaration re: SCOTUS Notice.	0.6	200.00	120.00
[6/29/04] Letter to Opposing Counsel	0.2	200.00	40.00
[6/29/04] Prepare - 8.5 x 11 version of cert petition with Kinkos.	1	200.00	200.00
Flight Insurance		14.99	14.99
Travel Service Fee AAA		25.00	25.00
Lodging		104.59	104.59
FedEX 840264400665		39.78	39.78
Total Reimbursable Expenses			184.36
		<b>Total</b>	<b>\$22,024.36</b>



Law Office of Donald Kilmer,  
Professional Corporation  
1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/7/2004	AA-00784

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[7/1/04] On-Line: Other - Research sources for amicus help.	8	200.00	1,600.00
[6/30/04] Firm Library - Amicus Help.	2.5	200.00	500.00
[7/2/04] Serve Documents on potential amici and clients.	3.5	200.00	700.00
[7/8/04] Letter to Opposing Counsel	0.2	200.00	40.00
[7/8/04] Serve Documents from Clerk SCOTUS.	0.2	200.00	40.00
[7/13/04] Telephone call from John Frazer -- spoke -- Discussed Congressional 2nd Amendment Caucus.; Conversation	0.3	200.00	60.00
[7/13/04] Telephone call from Mark Barnes -- spoke -- Discussed 2nd Amendment Caucus. referred me to Frazer.	0.2	200.00	40.00
[7/13/04] Letter to Congressional Second Amendment Caucus.	1.5	200.00	300.00
[7/15/04] Telephone call from David Kopel -- spoke -- Cannot prepare their own amicus brief, but would consider joining in someone elses. Recommnded Brian Denning a professor at Samford Law School (Cumberland) in Alabama.; Conversation	0.2	200.00	40.00
Client Cost Account: Copy, Fax, Phone, Etc...		36.00	36.00
Federal Express			
Copy Charge per page	18	0.15	2.70
		<b>Total</b>	<b>\$3,358.70</b>

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
8/27/2004	AA-00827

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[8/19/04] Telephone call from Christopher Conte -- spoke -- Discussed Amici briefs.; Conversation	0.7	200.00	140.00
[8/20/04] Meeting outside office	2	200.00	400.00
[8/21/04] Meeting outside office	1.5	200.00	300.00
		36.60	36.60
		<b>Total</b>	\$876.60

[illegible]

Law Office of Donald Kilmer,  
Professional Corporation

## Memorandum of Fees/Costs

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

DATE	INVOICE #
10/31/2004	AA-00863

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[10/1/04] Meeting outside office with client.	1	200.00	200.00
[10/2/04] Meeting outside office - Modesto CA. Maidson Society meeting update to client. Includes travel time.	6	200.00	1,200.00
[10/4/04] Conversations with various news agencies about denial of cert.	1	200.00	200.00
[10/5/04] Prepare for Meeting with court and opposing counsel.	1	200.00	200.00
[10/5/04] Teleconference with court and OC.	0.3	200.00	60.00
[10/6/04] Firm Library - First Amendment "as Applied" issues.	2	200.00	400.00
[10/5/04] Firm Library - First Amendment as applied issues.	2.5	200.00	500.00
		<b>Total</b>	\$2,760.00

Law Office of Donald Kilmer,  
Professional Corporation

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San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
12/8/2004	AA-00925

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[11/5/04] Firm Library. 2nd Amended Complaint.	3	200.00	600.00
[11/22/04] Prepare Draft of 2nd Amended Complaint.	2	200.00	400.00
[11/23/04] Review/Revise 2nd Amended Complaint.	2	200.00	400.00
[11/30/04] Review/Revise 2nd Amended Complaint and Prepare Motion for Leave to Amend.	2.5	200.00	500.00
		<b>Total</b>	\$1,900.00

DATE	INVOICE #
1/3/2005	AA-00938

BILL TO
Nordyke

[illegible]

Law Office of Donald Kilmer,  
Professional Corporation

1261 Lincoln Avenue, Suite 111  
San Jose, California 95125-3030

## Memorandum of Fees/Costs

DATE	INVOICE #
2/15/2005	AA-00982

BILL TO
Nordyke

DESCRIPTION	TIME	RATE	AMOUNT
[2/1/05] Prepare reply brief re: motion to amend.	9	200.00	1,800.00
#54286		82.50	82.50
#840264400584 FedEx		24.34	24.34
#840264400595 Fed Ex		20.39	20.39
#840264400600 Fed Ex		23.49	23.49
Total Reimbursable Expenses			150.72
		<b>Total</b>	<b>\$1,950.72</b>

**Attachment #3**

Declaration of Donald Kilmer  
in Support of Motion for Attorney Fees  
and Costs and/or Sanctions



## CUMULATIVE STATEMENT-OFFICE COPY

LAW OFFICES OF DONALD KILMER, APC  
1645 WILLOW STREET, SUITE 150  
SAN JOSE, CA 95125

JUNE 20, 2012

PLEASE PAY \$616,764.58  
UPON RECEIPT

RUSS & SALLY NORDYKE  
PO BOX 871  
WILLOWS CA 95988-0871

LAST CHARGES BILLED ON: 06/12  
LAST PAYMENT RECEIVED ON: 02/09  
( ) -

FILE # 99032 NORDYKE, RUSS/SALLY (00 -C 5664)

PLEASE DETACH AND RETURN WITH YOUR PAYMENT OF: \$616,764.58

FILE # 99032 NORDYKE, RUSS/SALLY (00 -C 5664)

## PROFESSIONAL FEES:

		HOURS	FEES
1 DK	2/24/05 REVIEW AND REVISE 2ND AMENDED COMPLAINT.	1.00	300.00
2 DK	2/24/05 LETTER TO OPPOSING COUNSEL.	.20	60.00
3 DK	2/25/05 LETTER TO PICKERING.	2.00	600.00
4 DK	2/25/05 LETTER TO OPPOSING COUNSEL - INCLUDES RESEARCH AND FILE UPDATE.	3.00	900.00
5 DK	2/28/05 DISCOVERY - MISC. ONLINE-OTHER: DISCUSSED LIABILITY THEORIES WITH DBKATES.	.20	60.00
6 DK	4/24/05 RESEARCH AND REVIEW CURRENT LAW: 12(B) MOTIONS. (3.0) PREPARE DOCUMENTS: DRAFT OF OPPOSING MOTION. (3.0).	6.00	1,800.00
7 DK	4/26/05 PREPARE DOCUMENTS - PREPARE OPPOSING MOTION, FILE.	8.00	2,400.00
8 DK	5/16/05 CA DOJ: AC DISTRICT.	1.00	300.00
9 DK	5/17/05 LETTER WITH ENCLOSURES - COURT: NEW CASE.	.40	120.00
10 DK	6/06/05 REVIEW DOCUMENTS: NINTH CIRCUIT OPINION: MENOTTI V. CITY OF SEATTLE.	1.00	300.00
11 DK	6/07/05 LETTER WITH ENCLOSURES TO COURT RE: MENOTTI.	1.00	300.00
12 DK	6/15/05 REVIEW DOCUMENTS: ORDER DENYING IN PART AND GRANTING IN PART DEFENDANTS' FRCP 12 MOTION.	1.00	300.00
13 DK	6/15/05 REVIEW ORDER GRANTING AND PART AND DENYING IN PART DEF FRCP 12 MOTION.	1.00	300.00
14 DK	6/15/05 RESEARCH: FIRST AMENDMENT ISSUES: EXPRESSIVE CONDUCT VS. SPEECH. IS POSSESSION OF A GUN AT A GUN SHOW TANATAMOUNT TO A MEMBERSHIP CARD DEMONSTRATING MEMBERSHIP IN THE GUN CULTURE.	1.00	300.00
15 DK	6/18/05 CONFERENCE WITH CO-COUNSEL - KATES.	2.00	600.00
16 DK	6/19/05 CONFERENCE WITH CLIENT AS SAN JOSE GUN SHOW. DISCUSSED STATUS OF CASE.	1.00	300.00
17 DK	7/09/05 RESEARCH FOR 3RD AMENDED COMPLAINT.	5.00	1,500.00
18 DK	7/10/05 RESEARCH FOR 3RD AMENDED COMPLAINT.	4.00	1,200.00
19 DK	7/11/05 PREPARE COMPLAINT - 3RD AMENDED. FILE COMPLAINT AND SERVICE 3RD AMENDED COMPLAINT.	6.00	1,800.00
20 DK	8/05/05 PREPARE JCMC STATEMENT.	1.50	450.00
21 DK	8/05/05 TELEPHONE CALL FROM OPPOSING COUNSEL.	.40	120.00
22 DK	8/05/05 REVIEW AND REVISE JCMC STATEMENT.	.50	150.00
23 DK	8/17/05 TELEPHONE CALL TO OPPOSING COUNSEL: MOVE CMC.	.20	60.00
24 DK	8/17/05 LETTER TO COURT CLERK RE: CMC DATES.	.40	120.00
25 DK	8/17/05 LETTER TO OPPOSING COUNSEL.	.20	60.00
26 DK	9/07/05 RESEARCH FIRST AMENDMENT LAW RE: THIRD AMENDED COMPLAINT.	2.50	750.00
27 DK	9/07/05 PREPARE OPPOSITION BRIEF.	6.00	1,800.00
28 DK	9/14/05 REVIEW DEFENDANTS' REPLY BRIEF.	.50	150.00
29 DK	9/20/05 REVIEW: SCOPE V. PATAKI TELEPHONE CALL CONTE, HALBROOK.	.50	150.00
30 DK	9/20/05 LETTER COURT - SCOPE V. PATAKI.	.40	120.00
31 DK	9/26/05 TELEPHONE CALL FROM DISTRICT COURT. ORAL ARGUMENT VACATED. WRITTEN OPINION COMING. 415.522-4181 3.32P 9-26-2005.	.20	60.00
32 DK	9/28/05 REVIEW ORDER DENYING MOTION TO DISMISS. E-MAIL COPIES TO CONCERNED	1.50	450.00

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PARTIES.				
33 DK	9/29/05	CONFERENCE WITH STAFF RE: PRESS RELEASE.	.50	150.00
34 DK	9/29/05	TELEPHONE CALL KATES RE: SUMM JUDGMENT.	.50	150.00
35 DK	10/04/05	TELEPHONE CALL TO OPPOSING COUNSEL.	.20	60.00
36 DK	10/04/05	PREPARE JCMC STATEMENT, INCLUDING RESEARCH ON LEG INTENT.	2.00	600.00
37 DK	10/05/05	TELEPHONE CALL TO CONTE FOR FUNDING FOR EXPERTS AND OTHER COSTS.	.30	90.00
38 DK	10/05/05	TELEPHONE CALL - HEADS UP CALL TO ROSSI AT DOJ.	.20	60.00
39 DK	10/05/05	TELEPHONE CALL - MICHEL.	.20	60.00
40 DK	10/27/05	LETTER TO OPPOSING COUNSEL.	.30	90.00
41 DK	10/27/05	TELEPHONE CALL TO OPPOSING COUNSEL - DISCUSSED DISCOVERY ISSUES.	.40	120.00
42 DK	10/28/05	TELEPHONE CALL DON KATES. DISCOVERY STRATEGY AND EFFECTS OF S.397.	.40	120.00
43 DK	11/01/05	APPEAR AT COURT HEARING - CMC CONFERENCE INCLUDES TRAVEL TIME AND CONFERENCE WITH OPPOSING COUNSEL AFTER CMC.	4.00	1,200.00
44 DK	11/03/05	PREPARE FOR DEPOSITION APPEAR AT DEPOSITION.	8.00	2,400.00
45 DK	12/11/05	CONFERENCE WITH CLIENT AT GUN SHOW.	1.50	450.00
46 DK	12/27/05	UPDATE FILE - REORGANIZE FILE FOR TRIAL WORK.	8.00	2,400.00
47 DK	12/28/05	REVIEW DOCUMENTS AND REORGANIZE FILE.	6.00	1,800.00
48 DK	12/29/05	UPDATE FILE.	6.00	1,800.00
49 DK	12/30/05	UPDATE FILE.	6.50	1,950.00
50 DK	1/05/06	PREPARE DISCOVERY REQUEST - RESEARCH.	4.00	1,200.00
51 DK	1/06/06	PREPARE DISCOVERY REQUEST.	8.00	2,400.00
52 DK	1/07/06	PREPARE DISCOVERY REQUEST.	6.00	1,800.00
53 DK	1/08/06	PREPARE DISCOVERY REQUEST.	8.00	2,400.00
54 DK	1/09/06	PREPARE DISCOVERY REQUEST.	6.00	1,800.00
55 DK	1/28/06	CONFERENCE WITH CLIENT AT GUN SHOWS IN SAN JOSE.	1.50	450.00
56 DK	2/09/06	CONFERENCE WITH JOE. CLIENT BUSINESS RECORDS.	1.50	450.00
57 DK	2/27/06	LETTER TO CLIENT.	.20	60.00
58 DK	3/04/06	PREPARE AND RESEARCH DEPOSITION NOTICES FOR NON PARTIES OUTSIDE OF DISTRICT.	3.00	900.00
59 DK	3/15/06	MEETING WITH WITH AGENT CHINN.	1.00	300.00
60 DK	3/16/06	PREPARE FOR DEPOSITION.	4.00	1,200.00
61 DK	3/17/06	ATTEND DEPOSITION - INCLUDES TRAVEL TIME.	8.00	2,400.00
62 DK	3/24/06	LETTER TO OPPOSING COUNSEL - E-MAIL.	.40	120.00
63 DK	3/24/06	MEETING WITH JOE BANISTER.	.20	60.00
64 DK	3/24/06	LETTER TO OPPOSING COUNSEL.	.20	60.00
65 DK	3/27/06	TELEPHONE CALL FROM OPPOSING COUNSEL. WHAT MORE DISCOVERY IS NEEDED TO OPPOSE SUMMARY JUDGMENT.	.20	60.00
66 DK	3/28/06	REVIEW DISCOVERY.	4.00	1,200.00
67 DK	3/30/06	LETTER FROM OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	1.00	300.00
68 DK	3/30/06	LETTER FROM OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	.40	120.00
69 DK	3/31/06	RESEARCH - SUMMARY JUDGMENT ISSUES.	4.00	1,200.00
70 DK	4/01/06	PREPARE OPPOSITION TO MSJ.	8.00	2,400.00
71 DK	4/02/06	PREPARE OPPOSITION TO MSJ.	8.00	2,400.00
72 DK	4/03/06	PREPARE OPPOSITION - MSJ.	4.00	1,200.00
73 CK	4/04/06	RESEARCH CITATIONS - CONTINUANCE.	1.70	127.50
74 DK	4/07/06	LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL.	.20	60.00
75 DK	4/07/06	MEETING WITH JESS GUY.	.40	120.00
76 DK	4/08/06	CONDUCT INVESTIGATION OF MATTER - INTERVIEWS AT GUN SHOWS.	8.00	2,400.00
77 DK	4/09/06	CONDUCT INVESTIGATION OF MATTER - CONTINUED INTERVIEWS.	4.00	1,200.00
78 DK	4/17/06	PREPARE DECLARATION OF DUANE DARR.	1.50	450.00
79 DK	4/18/06	REVIEW AND REVISE DARR DECLARATION.	.40	120.00
80 DK	4/20/06	TELEPHONE CALL BANISTER.	.20	60.00
81 DK	4/26/06	PREPARE DECLARATION FOR JESS B. GUY.	4.00	1,200.00
82 CK	4/26/06	PARALEGAL SERVICES PREPARE - CREATE CONVERSION INTO EXHIBITS - GUNS SHOW COLOR PHOTOS; ORDER/PICK-UP/DELIVERY FROM KINKOS.	1.20	90.00
83 DK	4/27/06	PREPARE DECLARATION FOR MIKE FOURNIER.	3.00	900.00
84 CK	4/27/06	PARALEGAL SERVICES REVIEW DOCUMENTS - QUALITY CHECK OF GUN SHOW EXHIBITS AFTER COPYING.	.10	7.50
85 CK	4/28/06	PARALEGAL SERVICES; ARRANGE PERVICE OF DECLARATIONS PREPARE DECLARATION DOCUMENTS.	4.20	315.00
86 DK	5/01/06	TELEPHONE CALL FROM ABBY KOHN.	.50	150.00

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87 DK	5/04/06 LETTER EXPERT.	.50	150.00
88 DK	5/06/06 MEETING WITH CLIENT AT THEIR HOME. INCLUDES TRAVEL TIME. DISCUSSED ECONOMIC DAMAGES.	5.00	1,500.00
89 DK	5/09/06 LETTER / REPORT FROM KOHN. LETTER TO KOHN.	.50	150.00
90 DK	5/09/06 TELEPHONE CALL FROM KOHN.	.50	150.00
91 DK	5/11/06 REVIEW EXPERT REPORT AND APPENDIX ARTICLES.	3.00	900.00
92 DK	5/12/06 PREPARE EXPERT REPORT. FILE AND SERVE.	1.00	300.00
93 DK	5/12/06 MEETING WITH JOE ON ECONOMIC DAMAGES.	.50	150.00
94 CK	5/12/06 PREPARE COMPLETED EXPERT DISCLOSURE FOR PERSONAL SERVICE ON OPPOSING COUNSEL.	.30	22.50
95 CK	5/16/06 PREPARE AND DELIVER EXHIBITS FOR COPY SERVICE.	.40	30.00
96 DK	5/17/06 PREPARE DISCOVERY RESPONSES.	8.00	2,400.00
97 CK	5/19/06 PREPARE AND SERVE DISCOVERY COPIES TO OC IN LA VIA FEDEX.	2.30	172.50
98 DK	6/12/06 PREPARE STIP ON BRIEFING.	.50	150.00
99 DK	6/24/06 REVIEW FILE AND PREPARE FOR SUMM JUDGMENT OPPOSITION.	8.00	2,400.00
100 CK	6/28/06 REVIEW - PROOFREAD/CHECK UNDISPUTED FACTS DOCUMENT.	.50	37.50
101 DK	9/26/06 PREPARE RESPONSE TO M/STRIKE.	1.50	450.00
102 DK	10/02/06 PREPARE JCMC STATEMENT. LETTER TO OPPOSING COUNSEL.	1.00	300.00
103 DK	10/30/06 MEETING WITH CLIENT AT SAN JOSE GUN SHOW.	1.00	300.00
104 DK	10/30/06 PREPARE FOR HEARING.	3.50	1,050.00
105 DK	10/31/06 APPEAR AT COURT HEARING - MOTION FOR SUMMARY JUDGMENT.	6.50	1,950.00
106 DK	1/19/07 REVIEW - QUICK OVERVIEW OF GUN SHOW NATION. LETTER TO COURT.	1.00	300.00
107 DK	1/28/07 MEETING WITH CLIENT AT GUN SHOW.	2.00	600.00
108 DK	2/12/07 PREPARE JCMCS LETTER TO OPPOSING COUNSEL INSTRUCTIONS TO STAFF.	.40	120.00
109 DK	3/12/07 REVIEW PARKER DECISION OUT OF D.C. CIRCUIT. LETTER TO 2A COLLEAGUES. RESEARCH PANEL REASSIGNMENT ISSUES.	3.00	900.00
110 DK	3/13/07 TELEPHONE CALL MICHEL.	.20	60.00
111 DK	3/13/07 REVIEW PARKER AGAIN FOR APPLICATION TO NORDYKE. LETTER TO COURT.	1.00	300.00
112 DK	4/17/07 REVIEW SUMM JUDGMENT ORDER RESEARCH APPEAL ISSUES. TELEPHONE CALL TO CLIENT TELEPHONE CALL CD MICHEL.	3.50	1,050.00
113 DK	4/18/07 RESEARCH LETTER TO LEVY.	.50	150.00
114 DK	4/18/07 TELEPHONE CALL TO DBKATES.	.30	90.00
115 DK	4/19/07 LETTER TO 2A LAWYERS AND CO-COUNSEL.	.50	150.00
116 DK	4/19/07 INSTRUCTIONS TO STAFF - E.R. PROCEDURES.	.30	90.00
117 DK	4/23/07 RESEARCH APPEAL PROCEDURE. PREPARE NOTICE OF APPEAL PREPARE CIVIL DOCKET STATEMENT PREPARE ATTACHMENTS. INSTRUCTIONS TO STAFF.	2.50	750.00
118 DK	4/23/07 REVIEW AND REVISE NOTICE OF APPEAL AND DOCKETING STATEMENT. LETTER TO OPPOSING COUNSEL INSTRUCTIONS TO STAFF.	2.00	600.00
119 CK	4/23/07 PREPARE APPEAL DOCUMENTS, SERVE ON OC.	3.30	247.50
120 DK	4/24/07 LETTER FROM OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	.20	60.00
121 DK	4/24/07 RESEARCH APPEALABILITY OF SUMM JUDGMENT ORDERS VS. JUDGMENT.	.40	120.00
122 DK	4/24/07 TELEPHONE CALL - DB KATES.	.20	60.00
123 DK	4/24/07 RESEARCH APPELLATE JURISDICTION. USDC AUTHORITY TO ALTER OR AMEND ORDER.	.50	150.00
124 DK	4/25/07 PREPARE OPPOSITION TO "ADMIN MOTION." RESEARCH LAW. INSTRUCTIONS TO STAFF.	3.00	900.00
125 DK	4/26/07 LETTER TO OPPOSING COUNSEL - TX APPEAL RECORD.	.20	60.00
126 DK	4/27/07 MEETING WITH GS2A - STATUS OF ALAMEDA CASE.	.50	150.00
127 DK	4/27/07 REVIEW OBJECTION TO NOTICE OF APPEAL.	.50	150.00
128 DK	4/30/07 PREPARE ARTICLE FOR DJ.	3.00	900.00
129 DK	5/01/07 REVIEW AND REVISE ARTICLE FOR DJ RESEARCH AUTHOR RIGHTS.	3.00	900.00
130 DK	5/02/07 REVIEW RECENT DECISIONS IN 9TH CIRCUIT ABOUT EXPRESSIVE CONDUCT AND SELECTIVE ENFORCEMENT OF SPEECH RIGHTS. SEE DJ ADVANCE SHEETS FROM TODAY.	.60	180.00
131 DK	5/03/07 REVIEW COURT OF APPEAL ORDER. PREPARE TX STATEMENT. INSTRUCTIONS TO STAFF.	.50	150.00
132 DK	5/08/07 TELEPHONE CALL WITH COURT AND OC.	.20	60.00
133 DK	5/24/07 PREPARE AMENDED NOTICE OF APPEAL. PREPARE AMENDED CIVIL DOCKETING STATEMENT. PREPARE AMENDED POS. LETTER TO COURT. RESEARCH.	3.00	900.00
134 DK	5/25/07 PREPARE RESPONSE TO OSC.	2.50	750.00
135 DK	5/25/07 MISCELLANEOUS - WORK WITH STAFF TO PREPARE ER.	2.00	600.00

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136 DK	5/30/07	LETTER FROM OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	.70	210.00
137 CV	6/02/07	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER SCAN BINDERS FOR APPEAL.	2.00	100.00
138 DK	6/05/07	INSTRUCTIONS TO STAFF RE: COST MEMO. REVIEW LTO.	.50	150.00
139 CK	6/05/07	PROFESSIONAL LEGAL SERVICES - RESVIEW OC BILL OF COSTS, RESEARCH APPLICABLE LAWS; FOUND MULTIPLE ERRORS IN OC BILL. LETTER TO OPPOSING COUNSEL - DRAFT LETTER OUTLINING OBJECTIONS TO BILL OF COSTS FOR ATTY REVIEW. CORRECT AND SERVE MAIL AND FAX.	4.10	307.50
140 DK	6/14/07	TELEPHONE CALL TO COURT. TALKED TO LIZ NOTEWARE (NEW LAW CLERK HANDLING CASE.) THEY HAVE OUR BRIEF RE: OSC. THEY HAVE THE AMENDED NOTICE OF APPEAL. WE DO NOT NEED TO FILE AMENDED NOTICE WITH THE COURT OF APPEAL.	.20	60.00
141 DK	6/19/07	LETTER TO R. LEVY AND A. GURA.	.70	210.00
142 DK	6/20/07	LETTER TO OPPOSING COUNSEL RESEARCH FRAP.	.30	90.00
143 DK	6/25/07	LETTER FROM OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	.30	90.00
144 DK	6/28/07	TELEPHONE CALL - WITH MOEST AND MICHEL.	.50	150.00
145 DK	7/02/07	PREPARE STIPULATION. LETTER TO OPPOSING COUNSEL.	1.00	300.00
146 DK	7/02/07	LETTER TO OPPOSING COUNSEL REVIEW AND REVISE STIP.	.20	60.00
147 DK	7/02/07	REVIEW NEW BOOK: ARMED AMERICA BY KYLE CASSIDY.	.30	90.00
148 CV	7/06/07	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER.	3.00	150.00
149 CV	7/07/07	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER.	2.00	100.00
150 CV	7/10/07	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER.	2.00	100.00
151 DK	7/12/07	PREPARE STIP TO EXTEND TIME FOR FILING. LETTER TO OPPOSING COUNSEL RESEARCH COMEBACK CASES. PREPARE COMEBACK CASE NOTICE. INSTRUCTIONS TO STAFF.	4.00	1,200.00
152 DK	8/13/07	MEETING WITH CLIENT ON SUNDAY. AUGUST 12.	1.00	300.00
153 DK	8/13/07	LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL.	.20	60.00
154 DK	8/25/07	RESEARCH EXCERPT OF RECORD ISSUES. REVIEW ER.	3.00	900.00
155 CV	8/25/07	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER.	3.00	0.00
156 DK	9/06/07	LETTERS TO POTENTIAL AMICI INSTRUCTIONS TO STAFF.	1.00	300.00
157 DK	9/13/07	TELEPHONE CALL MICHEL. AMICUS CAMPAIGN.	.20	60.00
158 DK	9/14/07	TELEPHONE CALL DON GIBEAUT AT ABA JOURNAL.	.50	150.00
159 DK	9/25/07	LETTER TO OPPOSING COUNSEL INSTRUCTIONS TO STAFF.	.30	90.00
160 CV	10/09/07	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER.	8.00	0.00
161 CK	10/10/07	PREPARE COLOR EXHIBITS PDF - RE-ORDER PHOTOS.	.50	37.50
162 CK	10/24/07	REVIEW AND FILE SCANNED DOCUMENTS.	.36	27.00
163 DK	10/27/07	MEETING WITH CLIENT AND FAIRGROUNDS. SJ.	1.00	300.00
164 DK	10/28/07	REVIEW ER AND CASE FILE. INSTRUCTIONS TO STAFF.	5.00	1,500.00
165 DK	10/29/07	REVIEW AND REVISE ER INSTRUCTIONS TO STAFF RESEARCH ER ISSUES.	1.00	300.00
166 CK	10/29/07	REVIEW DOCUMENTS BEFORE BEING SENT TO COPY SERVICE.	.30	22.50
167 DK	11/02/07	REVIEW ER FROM PRINTER.	1.00	300.00
168 DK	11/03/07	RESEARCH TEXAS V. JOHNSON, SCOTUS AND 9TH CIR.	6.00	1,800.00
169 DK	11/04/07	RESEARCH EQUAL PROTECTION PREPARE UPDATED OUTLINE FOR BRIEF. RESEARCH BRIEF FORMAT.	6.00	1,800.00
170 DK	11/06/07	PREPARE APPELLANT BRIEF.	3.50	1,050.00
171 DK	11/07/07	RESEARCH REVIEW CASES.	3.00	900.00
172 DK	11/07/07	RESEARCH - CASE LAW ON 1ST AMEND, EQ PROTECT, FREE ASSEM.	2.00	600.00
173 CK	11/07/07	PREPARE ELECTRONIC TOC FOR COURT USE.	.40	30.00
174 DK	11/08/07	RESEARCH LAW REVIEW ARTICLES ON FIRST AMENDMENT.	5.00	1,500.00
175 DK	11/10/07	PREPARE DRAFT OF OPENING BRIEF.	12.00	3,600.00
176 DK	11/11/07	PREPARE DRAFT OF BRIEF TO COURT OF APPEALS.	11.00	3,300.00
177 DK	11/12/07	PREPARE APPELLATE BRIEF.	8.00	2,400.00
178 DK	11/13/07	PREPARE FINAL VERSION OF BRIEF. FILE BRIEF BY DELIVERY TO COMMON CARRIER.	14.00	4,200.00
179 DK	11/13/07	PREPARE FINAL VERSION OF BRIEF FILE BRIEF AND SERVE OC.	18.00	5,400.00
180 CK	11/13/07	PROFESSIONAL LEGAL SERVICES PREPARE BREIF PAPERWORK FOR FILING.	4.10	307.50



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181 CK	11/13/07	PARALEGAL SERVICES - PRROF CHECK BRIEF OF APPELANTS.	1.40	105.00
182 CK	11/13/07	PARALEGAL SERVICES - COLLATE, FILE GEN PREP BRIEF FILING.	6.60	495.00
183 DK	11/19/07	TELEPHONE CALL MICHEL. INSTRUCTIONS TO STAFF LETTER MOEST AND MICHEL.	.50	150.00
184 DK	11/30/07	REVIEW BRIEF AND STATUS OF SCOTUS FOR STAY ISSUES.	2.00	600.00
185 DK	1/21/08	REVIEW BRIEFS. RESEARCH LAW. PREPARE OUTLINE FOR REPLY BRIEF.	4.00	1,200.00
186 DK	1/22/08	PREPARE REPLY BRIEF. INSTRUCTIONS TO STAFF FILE AND SERVE.	7.00	2,100.00
187 CK	1/22/08	PROFESSIONAL LEGAL SERVICES - PROOF/CHECK REPLY BRIEF.	.50	37.50
188 CK	1/23/08	PROFESSIONAL LEGAL SERVICES - ENSURE DELIVERY OF FEDEX PACKAGES TO OC AND COURT - PRINT OUT AND FILE TRACKING DOCUMENTS.	.30	22.50
189 DK	1/24/08	PREPARE MOTION FOR STAY. PREPARE STIP FOR STAY.	2.00	600.00
190 CK	1/24/08	PROFESSIONAL LEGAL SERVICES PREPARE AND SERVE COPIES OF PLEADINGS TO COURT AND OPPOSING COUNSEL.	.50	37.50
191 CK	1/25/08	PROFESSIONAL LEGAL SERVICES TRACK FEDEX DELIVERY.	.20	15.00
192 DK	1/29/08	TELEPHONE CALL - GLENN MCROBERTS.	.40	120.00
193 DK	3/14/08	PREPARE FRAP 29(J) LETTER.	1.00	300.00
194 CK	3/14/08	PREPARE DOCUMENTS FOR SERVICE PROFESSIONAL LEGAL SERVICES - PLACE FEDEX SERVICE - AND SET TRACKING.	.50	37.50
195 CK	3/18/08	PROFESSIONAL LEGAL SERVICES - DOWNLOAD AND COPY SCOTUS ORAL ARGUMENTS.	.60	45.00
196 DK	3/19/08	REVIEW MATERIAL FROM HELLER CASE.	3.00	900.00
197 DK	6/21/08	LETTER FROM KATES. LETTER TO NRA AND KATES.	1.50	450.00
198 DK	6/26/08	REVIEW HELLER DECISION.	3.00	900.00
199 CK	6/27/08	PROFESSIONAL LEGAL SERVICES - REVIEW HELLER V. D.C. FOR IMPLICATION ON NORDYKE CASE.	3.30	247.50
200 DK	6/28/08	LETTER TO NRA AND KATES. RE: HELLER IMPACT.	1.50	450.00
201 DK	6/30/08	TELEPHONE CALL ALAN GURA. TELEPHONE CALL VIRGIL MC V.	.80	240.00
202 DK	7/02/08	TRMEETING WITH IN SF WITH KATES, HOFFMAN, MC VICKER, TO DISCUSS 2A STRATEGY.	6.00	1,800.00
203 DK	7/07/08	LETTER TO NRA.	.50	150.00
204 DK	7/07/08	TELEPHONE CALL FROM MICHEL.	.30	90.00
205 DK	7/07/08	TELEPHONE CALL KATES.	.30	90.00
206 DK	7/08/08	PREPARE MOTION FOR SUPP BRIEF. LETTER TO OPPOSING COUNSEL.	2.50	750.00
207 DK	7/09/08	TELEPHONE CALL FROM KATES. AMICI.	.20	60.00
208 DK	7/09/08	TELEPHONE CALL MC VICKER.	.30	90.00
209 DK	7/10/08	TELEPHONE CALL TO KATES RESEARCH BINDING PRECEENT ISSUES NINTH CIRCUIT WHEN SCOTUS RULES ON CLOSELY RELATED ISSUES. LETTER TO KATES.	1.50	450.00
210 DK	7/16/08	TELEPHONE CALL WITH HALBROOK, KATES, MICHEL, DAVIS.	.50	150.00
211 DK	7/17/08	ROTELEPHONE CALL KATES. DISMISSAL OF S.F. HOUSING CASE A DANGER TO NORDYKE.	.30	90.00
212 DK	7/17/08	RESEARCH JUDICIAL SELECTION IN N.D. LETTER MICHEL AND KATES.	2.00	600.00
213 DK	7/18/08	REVIEW ORDER FROM APPELLATE PANEL KEEPING CASE. TELEPHONE CALL KATES. TELEPHONE CALL MICHEL. LETTER TO COUNSEL TELEPHONE CALL CLIENT - NORDYKE TELEPHONE CALL CLIENT - MC VICKER.	1.50	450.00
214 DK	7/21/08	TELEPHONE CALL COLODNY.	.40	120.00
215 DK	7/23/08	TELEPHONE CALL HOFFMAN.	.20	60.00
216 DK	7/28/08	TELEPHONE CALL FROM DON KATES.	.50	150.00
217 DK	7/31/08	MEETING WITH CLIENTS, GS2A AND OTHER CASE SUPPORTERS ON STATUS.	1.50	450.00
218 DK	8/06/08	TELEPHONE CALL FROM KATES.	.60	180.00
219 DK	8/07/08	TELEPHONE CALL KATES.	.20	60.00
220 DK	8/07/08	REVIEW AND REVISE MOTION FOR AMICI LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL INSTRUCTIONS TO STAFF.	.50	150.00
221 DK	8/08/08	TELEPHONE CALL MICHEL.	.50	150.00
222 DK	8/11/08	REVIEW PRESS RELEASE FOR FIRING LINEW LETTER CMICHEL.	.20	60.00
223 DK	8/11/08	TELEPHONE CALL FROM CLIENT.	.20	60.00
224 DK	8/12/08	LETTER CD MICHEL.	.20	60.00
225 DK	8/18/08	TELEPHONE CALL KATES.	.20	60.00
226 DK	8/19/08	TELEPHONE CALL GURA. LETTER FROM GURA LETTER TO GURA.	1.00	300.00
227 DK	8/24/08	REVIEW HELLER AND START OUTLINE FOR BRIEF.	8.00	2,400.00
228 DK	8/26/08	PREPARE DRAFT OF SUPP. BRIEF.	6.00	1,800.00

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229 CK	8/28/08	REVIEW AND FILE SCANNED DOCUMENTS.	.20	15.00
230 DK	8/29/08	PREPARE FOR MEETING WITH KATES.	1.00	300.00
231 DK	8/29/08	REVIEW DRAFT BRIEFS AND CASE LAW MISCELLANEOUS - TRAVEL TO PORTLAND.	5.00	1,500.00
232 DK	8/30/08	PREPARE DRAFTS OF APPELLATE BRIEFS. REVIEW ER RESEARCH.	8.00	2,400.00
233 DK	8/31/08	REVIEW AND REVISE BRIEFS. RESEARCH REVIEW ER.	8.00	2,400.00
234 DK	9/01/08	REVIEW AND REVISE BRIEF RESEARCH REVIEW ER.	4.00	1,200.00
235 DK	9/01/08	MISCELLANEOUS TRAVEL FROM PORTLAND TO SAN JOSE.	3.00	900.00
236 DK	9/02/08	REVIEW BILLING.	1.00	300.00
237 DK	9/03/08	REVIEW AND REVISE APPELLATE BRIEF.	3.00	900.00
238 DK	9/03/08	REVIEW AND REVISE APPELLATE BRIEF.	2.50	750.00
239 DK	9/04/08	REVIEW AND REVISE BRIEF.	2.00	600.00
240 DK	9/04/08	REVIEW AND REVISE 2A BRIEF RESEARCH REVIEW CASE FILE.	7.00	2,100.00
241 DK	9/05/08	REVIEW AND REVISE APPELLATE BRIEF.	2.00	600.00
242 DK	9/05/08	INSTRUCTIONS TO STAFF.	.50	150.00
243 DK	9/05/08	TELEPHONE CALL TO CLIENT.	.20	60.00
244 DK	9/06/08	REVIEW AND REVISE BRIEF INSTRUCTIONS TO STAFF - LAW STUDENTS WORKING ON CITE CHECKS.	9.50	2,850.00
245 CK	9/06/08	CITE CHECK, EDIT BRIEF.	10.20	765.00
246 DK	9/07/08	REVIEW AND REVISE SUPP BRIEF. TELEPHONE CALLS WITH CO-COUNSEL. RESEARCH. INSTRUCTIONS TO STAFF.	7.50	2,250.00
247 CK	9/07/08	PROFESSIONAL LEGAL SERVICES - CITE CHECK/EDIT BRIEF.	11.30	847.50
248 DK	9/08/08	REVIEW AND REVISE BRIEF AFTER CITE CHECK. INSTRUCTIONS TO STAFF.	1.50	450.00
249 DK	9/08/08	REVIEW AND REVISE BRIEF. WORKING ON FINAL VERSION.	6.00	1,800.00
250 DK	9/08/08	REVIEW FINAL DRAFT.	1.50	450.00
251 DK	9/09/08	REVIEW AND REVISE FINAL DRAFT RESEARCH INSTRUCTIONS TO STAFF.	5.00	1,500.00
252 DK	9/10/08	REVIEW BRIEF AGAIN. REVIEW AND REVISE BRIEF. INSTRUCTIONS TO STAFF.	9.00	2,700.00
253 DK	9/11/08	REVIEW AND REVISE FINAL VERSION OF BRIEF. PREPARE ASSOC OF COUNSEL PREPARE AMICI STIP.	2.50	750.00
254 DK	9/11/08	MISCELLANEOUS - REVIEW PROCEDURES FOR FILING WITH STAFF.	.50	150.00
255 DK	9/11/08	FILE BRIEFS WITH COURT AND SERVE OC.	1.00	300.00
256 CK	9/11/08	PROFESSIONAL LEGAL SERVICES - ASST STTY IN FINAL STAGES OF BRIEF CREATION/CHECKING.	3.20	240.00
257 CK	9/11/08	PROFESSIONAL LEGAL SERVICES - COPY/COLLATE BRIEF FOR BINDING; TAKE BRIEF TO BINDER & ARRANGE FOR PICKUP.	3.90	292.50
258 DK	9/12/08	REVIEW COUNTY'S BRIEF. LETTER TO AMICI AND COCOUNSEL.	3.00	900.00
259 DK	9/13/08	REVIEW OP BRIEFS RESEARCH LAW CITED IN OC BRIEFS. LETTER TO KATES.	4.00	1,200.00
260 DK	9/14/08	RESEARCH LAW ON INCORPORATION.	5.00	1,500.00
261 DK	9/15/08	RESEARCH - CASE LAW CITED IN APPELLEE BRIEF.	1.00	300.00
262 DK	9/16/08	LETTER TO KATES.	.10	30.00
263 DK	9/17/08	RESEARCH TELEPHONE CALL KATES.	.50	150.00
264 DK	9/19/08	TELEPHONE CALL KATES, HALBROOK, MICHEL.	.50	150.00
265 DK	9/20/08	MEETING WITH CLIENT AT SAN JOSE GUN SHOW.	2.00	600.00
266 DK	9/20/08	REVIEW COUNTY'S BRIEF.	2.50	750.00
267 DK	9/21/08	RESEARCH CITATIONS IN COUNTY'S BRIEF.	4.00	1,200.00
268 DK	9/22/08	REVIEW COUNTY'S BRIEF RESEARCH LAW.	2.00	600.00
269 DK	9/22/08	RESEARCH CASE LAW ON INCORPORATION OF 1ST AMEND.	2.00	600.00
270 DK	9/23/08	REVIEW APPELLEES BRIEF PREPARE COMMENTS IN ADOBE ON BRIEF.	4.00	1,200.00
271 DK	9/23/08	PREPARE OUTLINE FOR REPLY BRIEF RESEARCH CASE LAW ON 14TH AMEND DUE PROCESS.	5.00	1,500.00
272 DK	9/24/08	PREPARE DRAFT OF REPLY BRIEF.	5.00	1,500.00
273 DK	9/26/08	PREPARE DRAFT OF REPLY BRIEF RESEARCH BLACKSTONE QUOTES FROM OB RESEARCH TUCKER RESEARCH VOLOKH RESEARCH HARDY.	9.50	2,850.00
274 DK	9/27/08	MEETING WITH AT SAF CONFERENCE ON PHOENIX.	6.00	1,800.00
275 DK	9/28/08	REVIEW LAW REVIEW ARTICLES.	4.00	1,200.00
276 DK	9/29/08	PREPARE REPLY BRIEF.	10.00	3,000.00
277 DK	9/30/08	PREPARE FINAL DRAFT OF REPLY BRIEF.	8.00	2,400.00
278 CK	9/30/08	PROFESSIONAL LEGAL SERVICES - CITE CHECK - FORMAT OF BRIEF.	4.60	345.00
279 DK	10/01/08	PREPARE FINAL DRAFT OF REPLY BRIEF.	9.00	2,700.00
280 CV	10/01/08	ADDITIONAL BINDER CHARGE X 5 NEW BINDERS @ 20 EA.		100.00*
281 DK	10/02/08	INSTRUCTIONS TO STAFF TELEPHONE CALL GURA REVIEW NEW STUDY ON GUN SHOWS AND CRIME.	2.00	600.00

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282 DK	10/02/08	REVIEW MICHIGAN AND MARYLAND GUN SHOW STUDY.	2.00	600.00
283 DK	10/02/08	PREPARE AMICI STIP REVISIONS.	1.00	300.00
284 CK	10/02/08	PREPARE AND FILE COPIES OF BRIEF WITH COURT AND OC.	5.80	435.00
285 DK	10/03/08	REVIEW AND REVISE MOTIONS FOR STUDY ON GUN SHOWS. INSTRUCTIONS TO STAFF TELEPHONE CALL KATES.	1.50	450.00
286 CK	10/03/08	PREPARE AND FILE COURT DOCUMENTS - AMENDED POS, CONTINGENT MOTION.	.30	22.50
287 DK	10/04/08	REVIEW AND REVISE BRIEF TO CORRECT DEFECTS.	5.00	1,500.00
288 DK	10/06/08	TELEPHONE CALL KATES. DEFECIENCY NOTICE OF AMICI.	.20	60.00
289 CK	10/06/08	PREPARE AND COPY AND SERVE CORRECTED SUPPLEMENTAL BRIEF WITH COURT AND OC.	6.20	465.00
290 CK	10/15/08	REVIEW AND FILE SCANNED DOCUMENTS.	.40	30.00
291 DK	10/16/08	LETTERS TO KATES DURING VACATION. TELEPHONE CALL TO KATES TODAY ABOUT MOOT COURT.	1.00	300.00
292 DK	10/20/08	REVIEW FILINGS BY COUNTY AND LCAV.	.50	150.00
293 DK	10/22/08	PREPARE RULE 28(J) LETTER.	2.00	600.00
294 DK	10/23/08	LETTER TO KATES, MICHEL, HALBROOK, GURA.	.50	150.00
295 DK	10/23/08	RESEARCH CIVIL CODE 52. RESEARCH JUDICIAL PROFILES. LETTER KATES.	2.00	600.00
296 CK	10/28/08	REVIEW AND FILE SCANNED DOCUMENTS.	.30	22.50
297 DK	10/31/08	REVIEW ARTICLES ABOUT D.C. V. HELLER. REVIEW PLEADINGS FILED BY COUNTY RE: EXTRANEIOUS CITATIONS.	1.00	300.00
298 DK	11/11/08	REVIEW BRIEFS. RESEARCH CASES. PREPARE NOTES FOR ORAL ARGUMENTS.	3.00	900.00
299 DK	12/04/08	REVIEW ORAL ARGUMENT NOTICE FROM COURT PREPARE ACK REVIEW ORAL ARGUMENT PROCEDURES.	1.00	300.00
300 DK	12/04/08	MEETING WITH MCLE/LCAV ON HELLER IN SAN FRANCISCO.	5.00	1,500.00
301 CK	12/04/08	LETTER TO CLIENT PREPARE AND FILE ACK OF HEARING.	.50	37.50
302 DK	12/05/08	PREPARE TRANSCRIBE NOTES FROM HELLER CLASS.	2.00	600.00
303 DK	12/05/08	TELEPHONE CALL MICHEL.	.30	90.00
304 CK	12/12/08	PREPARE DOCUMENTS FOR MOOT COURT PREPARE CD-ROMS.	5.80	435.00
305 DK	12/15/08	REVIEW CD ROM LETTER TO MOOT COURT INSTRUCTIONS TO STAFF.	1.00	300.00
306 DK	12/18/08	PREPARE FOR HEARING - LISTEN TO FED SOCIETY PANEL ON HELLER.	2.00	600.00
307 CK	12/19/08	REVIEW AND FILE SCANNED DOCUMENTS.	.50	37.50
308 DK	12/24/08	TELEPHONE CALL FROM DB KATES.	1.00	300.00
309 DK	12/29/08	REVIEW MEMO FROM DB KATES.	1.00	300.00
310 DK	12/31/08	RESEARCH - NEW APPELLATE CASES CITING HELLER.	4.00	1,200.00
311 DK	1/02/09	RESEARCH FOR ORAL ARGUMENTS.	6.00	1,800.00
312 DK	1/03/09	RESEARCH FOR ORAL ARGUMENTS.	5.00	1,500.00
313 DK	1/05/09	REVIEW EXCERPT OF RECORD.	4.00	1,200.00
314 DK	1/06/09	RESEARCH - REVIEW ORAL ARGUMENT PRACTICE GUIDE.	3.00	900.00
315 DK	1/08/09	MEETING WITH VOLOKH, MICHEL, KATES, ET AL FOR MOOT COURT IN L.A.	10.00	3,000.00
316 DK	1/09/09	PREPARE FOR HEARING - MOOT COURT. APPEAR AT COURT HEARING - MOOT COURT.	8.00	2,400.00
317 DK	1/10/09	RESEARCH FOR ORAL ARGUMENT.	10.00	3,000.00
318 DK	1/11/09	RESEARCH FOR ORAL ARGUMENT.	6.00	1,800.00
319 DK	1/12/09	RESEARCH CASE OUT OF 2ND CIRCUIT ON 2ND AMENDMENT AND PRE-TRIAL RELEASE CONDITIONS.	1.00	300.00
320 DK	1/12/09	PREPARE OA OUTLINE.	5.00	1,500.00
321 DK	1/13/09	PREPARE OA OUTLINE RESEARCH.	10.00	3,000.00
322 CK	1/13/09	PROFESSIONAL LEGAL SERVICES - ASSIST ATTY IN PRERP FOR TRIAL; PREPARE NOTES FOR POST HEARING BRIEFING, AND MISC MATERIALS.	5.80	435.00
323 DK	1/14/09	REVIEW AND REVISE OUTLINE. RESEARCH.	5.00	1,500.00
324 CK	1/14/09	PREPARE - ASSIST ATTY IN PREPPING NOTES.	.30	22.50
325 CK	1/15/09	ASSIST ATTY AT COURT APPEARANCE, PREP AND AFTERMATH.	8.00	600.00
326 CK	1/16/09	MEETING WITH ATTY.	.50	37.50
327 DK	1/19/09	REVIEW CASE LAW AND RESEARCH SUPP LETTER BRIEF ISSUES.	1.50	450.00
328 DK	1/20/09	PREPARE RULE 28(J) LETTER.	2.00	600.00
329 DK	1/21/09	REVIEW AND REVISE LETTER TO COURT.	2.00	600.00
330 DK	1/22/09	REVIEW AND REVISE LETTER TO COURT. INSTRUCTIONS TO STAFF.	2.00	600.00
331 DK	1/23/09	REVIEW FILE AND RESEARCH LOOSE ENDS OF APPELLATE ISSUES. LETTER TO CLIENT ABOUT C-SPAN BROADCAST.	2.00	600.00
332 CK	1/23/09	REVIEW CHECK, FILE LETTER MEMO W/CT. LETTER TO OPPOSING COUNSEL - CCS.	.40	30.00

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333 CK	1/23/09	LETTER - CSPAN - GET COPY OF ARGUMENTS.	.20	15.00
334 CK	1/26/09	LETTER FROM C-SPAN ON DVD.	.10	7.50
335 CK	1/30/09	REVIEW AND FILE SCANNED DOCUMENTS.	.40	30.00
336 CK	2/03/09	FOLO UP - FEDEX POS TO NINTH CIR.	.20	15.00
337 DK	2/06/09	LETTER TO COURT.	3.00	900.00
338 DK	2/23/09	REVIEW ARTICLES BY WASHINGTON LAWYER MAGAZINE REPORTER.	1.00	300.00
339 DK	4/20/09	REVIEW OPINIONS TELEPHONE CALL WITH PRESS AND COLLEAGUES AND CLIENTS.	6.00	1,800.00
340 DK	4/21/09	PREPARE FOR LOU DOBBS. MEETING WITH WITH CAMERA CREW.	3.00	900.00
341 DK	4/22/09	REVIEW OPINION AGAIN RESEARCH SCOTUS PETITION ISSUES. TELEPHONE CALL SCOTUSBLOG REPORTER.	2.00	600.00
342 DK	5/05/09	PREPARE POST ON CAL GUNS.	1.00	300.00
343 DK	5/20/09	REVIEW ORDER FROM COURT. PREPARE MEMO. PREPARE DRAFT OF FRAP 35 BRIEF. TELEPHONE CALL DB KATES.	2.00	600.00
344 DK	5/21/09	RESEARCH EN BANC ISSUES IN NINTH CIRCUIT. PREPARE OUTLINE FOR FRAP 35 BRIEF.	8.00	2,400.00
345 DK	5/22/09	PREPARE DRAFT OF FRAP 35 BRIEF. TELEPHONE CALL CLIENTS, COLLEAGUES. PREPARE MEMO TO CLIENTS.	8.00	2,400.00
346 DK	5/23/09	REVIEW AND REVISE DRAFT OF FRAP 35 BRIEF.	4.00	1,200.00
347 DK	5/25/09	REVIEW AND REVISE DRAFT OF FRAP 35 BRIEF.	6.00	1,800.00
348 DK	5/26/09	REVIEW AND REVISE FRAP 35 DRAFT.	5.00	1,500.00
349 CK	5/26/09	PROFESSIONAL LEGAL SERVICES - PRROF, CITE CHECK BRIEF.	1.10	82.50
350 DK	5/27/09	REVIEW AND REVISE FRAP 35 BRIEF.	4.00	1,200.00
351 DK	5/28/09	REVIEW AND REVISE FRAP 35 BRIEF.	3.00	900.00
352 DK	5/29/09	REVIEW AND REVISE FINAL DRAFT OF FRAP 35 BRIEF.	5.00	1,500.00
353 DK	6/01/09	REVIEW AND REVISE BRIEF. FINALIZED AND HANDED OFF TO STAFF.	4.00	1,200.00
354 CK	6/01/09	REVIEW - CORRECT BRIEF CITES FOR TOC AND TOA - CREATE BOTH.	2.40	720.00
355 CK	6/02/09	PROFESSIONAL LEGAL SERVICES - PREP, COLLATE AND FINISH FINAL ENBANC BRIEF FOR ATTY APPROVAL.	4.10	1,230.00
356 DK	6/03/09	RESEARCH - CERT. PETITION. APPELLATE MOTION PRACTICE. OVERRULED VS. OBSOLETE.	6.00	1,800.00
357 DK	6/05/09	RESEARCH 28(J) LETTER. LETTER TO COLLEAGUES.	1.00	300.00
358 DK	6/08/09	REVIEW AND REVISE FINAL BRIEF PREPARE FRAP 28 (J) LETTER. INSTRUCTIONS TO STAFF FILE APPELLATE BRIEFS AND LETTER.	5.00	1,500.00
359 CK	6/08/09	PROFESSIONAL LEGAL SERVICES - FINALIZE, FILE, SERVE COPIES TO PARTIES - EN BANC BRIEF.	4.30	1,290.00
360 DK	6/09/09	PREPARE ERRATA MEMO. INSTRUCTIONS TO STAFF.	1.00	300.00
361 DK	6/09/09	REVIEW COUNTY'S BRIEF.	1.00	300.00
362 CK	6/09/09	PROFESSIONAL LEGAL SERVICES - COPY, FINALIZE, FILE AND SERVE ERRATA BRIEF.	.80	240.00
363 DK	6/10/09	RESEARCH NEW YORK CURFEW CASE. PREPARE 28(J) LETTER. LETTER CLIENT AND COLLEAGUES.	4.00	1,200.00
364 DK	6/11/09	APPEAR AT COURT HEARING - MEHL V. SAC. (NINTH CIRCUIT).	6.00	1,800.00
365 DK	6/12/09	PREPARE 28(J) LETTER ON PETITIONS FOR CERT OUT OF 7TH CIRC.	1.00	300.00
366 CK	6/15/09	FILE DOCS W/COURT PREPARE POS LETTERS - CC TO SERVICE LIST.	.75	225.00
367 DK	6/22/09	MEETING WITH CLIENT AT SAN JOSE FAIRGROUNDS SAT.	.50	150.00
368 DK	7/06/09	PREPARE FRAP 28(J) LETTER.	1.00	300.00
369 DK	7/08/09	REVIEW LAW REVIEW ARTICLES ON INCORPORATION.	1.50	450.00
370 CK	7/09/09	FILE ELECTRONIC DOCS PROFESSIONAL LEGAL SERVICES - SERVICE OF PROCESS ON UNREGISTERED PARTIES.	1.30	97.50
371 DK	7/29/09	REVIEW EN BANC ORDER. TELEPHONE CALLS TO CO COUNSEL AND CLIENTS.	1.00	300.00
372 DK	7/29/09	REVIEW 2ND ORDER FROM NINTH CIRCUIT RE: SCHEDULING.	.50	150.00
373 CK	7/29/09	PROFESSIONAL LEGAL SERVICES - ASSIST ATTY WITH ADDRESSING LEGAL ISSUE SURROUNDING THE PUBLISHING OF ORDERS.	5.50	412.50
374 DK	7/30/09	REVIEW SCOTUS AND EN BANC PROCEDURES. PREPARE MEMO. RESEARCH APPELLATE PROCEDURES INSTRUCTIONS TO STAFF REVIEW FILE IN PREPARATION FOR FILING.	6.00	1,800.00
375 CK	7/30/09	PROFESSIONAL LEGAL SERVICES- COLLATE AND BEGIN COPYING OF DOCUMENTS ORDERED BY THE COURT.	7.10	532.50
376 DK	7/31/09	PREPARE FILINGS FOR EN BANC HEARING.	2.50	750.00
377 DK	7/31/09	RESEARCH EN BANC PROCEDURES. RESEARCH SCOTUS CERT ISSUES. INSTRUCTIONS TO STAFF REVIEW OPINIONS IN GUN CASES IN 9TH CIRCUIT.	3.00	900.00



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378 CK	7/31/09	PREPARE DOCS FOR COURT FILING.	8.30	622.50
379 CK	8/03/09	PREPARE AND COLLATE DOCUMENTS FOR FILING.	7.50	562.50
380 DK	8/04/09	FILE EN BANC COPIES.	5.00	1,500.00
381 CK	8/04/09	PREPARE & COLLATE DOCUMENTS FOR FILING FILE PERSONALLY - DOCS WITH COURT PREPARE AND COLLATE MISSING LETTER BRIEF FILE FED EX LETTER BRIEF LETTER TO OPPOSING COUNSEL.	8.70	652.50
382 DK	8/06/09	LETTER FROM OPPOSING COUNSEL REVIEW JOINT REQUEST LETTER TO OPPOSING COUNSEL.	.50	150.00
383 DK	8/10/09	RESEARCH LAW REVIEW ARTICLES POST-HELLER.	5.00	1,500.00
384 DK	8/11/09	RESEARCH POST-HELLER LAW REVIEW ARTICLES.	6.00	1,800.00
385 CK	8/26/09	REVIEW AND FILE SCANNED DOCUMENTS.	.30	22.50
386 CK	8/27/09	ASSIST MOOT COURT PREP.	6.10	457.50
387 CK	8/28/09	PROFESSIONAL LEGAL SERVICES - ASSIST MOOT COURT PREP.	6.00	450.00
388 DK	8/31/09	REVIEW COUNTY'S LATEST FILING. PREPARE OBJECTION. INSTRUCTIONS TO STAFF.	.50	150.00
389 CK	8/31/09	FILE LETTERS - CC: SERVICE OF PROCESS.	.50	37.50
390 CK	9/11/09	REVIEW AND FILE SCANNED DOCUMENTS.	.30	22.50
391 DK	9/14/09	RESEARCH - 7TH CIRCUIT CASE ON INTERMEDIATE SCRUTINY. REVIEW BRIEFS.	2.00	600.00
392 DK	9/14/09	PREPARE FRAP 28(J) LETTER.	1.00	300.00
393 DK	9/15/09	RESEARCH EN BANC PANEL.	1.00	300.00
394 DK	9/15/09	REVIEW 28(J) LETTER FROM OC.	.40	120.00
395 DK	9/19/09	RESEARCH PREPARE FOR HEARING.	6.50	1,950.00
396 DK	9/20/09	MEETING WITH CLIENT AT SJ GUN SHOW. RESEARCH PREPARE FOR HEARING.	6.50	1,950.00
397 DK	9/21/09	PREPARE FOR MOOT COURT.	4.00	1,200.00
398 DK	9/21/09	MEETING WITH MOOT COURT AT HASTINGS.	3.50	1,050.00
399 CK	9/21/09	PROFESSIONAL LEGAL SERVICES - ASSIST ATTY W/TRIAL PREP.	1.50	112.50
400 DK	9/22/09	PREPARE FOR EN BANC. RESEARCH.	12.00	3,600.00
401 DK	9/23/09	PREPARE FOR ORAL ARGUMENTS.	10.00	3,000.00
402 DK	9/24/09	PREPARE FOR HEARING (ORAL ARGUMENT ATTEND HEARING - ORAL ARGUMENT. MEETING WITH CLIENTS.	5.00	1,500.00
403 CK	9/24/09	PROFESSIONAL LEGAL SERVICES - ASSIST ATTY IN COURT - ORAL ARGUMENTS DAY.	8.00	600.00
404 CV	9/24/09	CALLY PROFESSIONAL LEGAL SERVICES UNDER THE DIRECTION OF DONALD KILMER.	8.00	400.00
405 DK	9/25/09	MEETING WITH GURA AND COMPANY ABOUT OPTIONS IN NORDYKE.	1.00	300.00
406 DK	9/28/09	RESEARCH OPTIONS FOR NORDYKE. 28J LETTERS. SUPP BRIEF. PET FOR CERT.	3.00	900.00
407 DK	10/15/09	RESEARCH BIOS OF BLACK, HARLAN, HARLAN, II.	1.50	450.00
408 DK	10/19/09	TELEPHONE CALL TELECONF WITH AMICI GROUP FOR MC DONALD.	2.00	600.00
409 DK	10/19/09	RESEARCH FOR AMICUS BRIEF.	3.50	1,050.00
410 DK	10/20/09	RESEARCH FOR AMICUS BRIEF.	8.00	2,400.00
411 DK	10/26/09	RESEARCH HUGO BLACK WRITINGS. INCORPORATION.	4.00	1,200.00
412 DK	10/28/09	RESEARCH AMICUS BRIEF IN MC DONALD.	5.00	1,500.00
413 DK	10/30/09	RESEARCH AMICUS BRIEF IN MC DONALD.	2.00	600.00
414 DK	11/01/09	PREPARE OUTLINE FOR AMICUS BRIEF.	5.00	1,500.00
415 DK	11/09/09	PREPARE AMICUS BRIEF SCOTUS.	8.00	2,400.00
416 DK	11/10/09	PREPARE AMICUS BRIEF SCOTUS.	6.00	1,800.00
417 CK	11/10/09	PROFESSIONAL LEGAL SERVICES - ASSIST ATTY RESEARCH FOR AMICUS BRIEF.	3.40	255.00
418 DK	11/11/09	PREPARE AMICUS BRIEF SCOTUS.	5.00	1,500.00
419 DK	11/12/09	PREPARE AMICUS BRIEF SCOTUS.	6.00	1,800.00
420 DK	11/13/09	PREPARE AMICUS BRIEF SCOTUS.	6.00	1,800.00
421 DK	11/14/09	REVIEW AND REVISE AMICUS BRIEF.	5.00	1,500.00
422 DK	11/15/09	REVIEW AND REVISE AMICUS BRIEF.	5.00	1,500.00
423 DK	11/16/09	REVIEW AND REVISE AMICUS BRIEF.	5.00	1,500.00
424 CK	11/16/09	PROFESSIONAL LEGAL SERVICES - ASSIST ATTY WITH PREP FOR AMICUS BRIEF - PROOF AND CITE CHECK.	4.80	360.00
425 DK	11/17/09	REVIEW AND REVISE AMICUS BRIEF.	5.00	1,500.00
426 DK	11/18/09	REVIEW AND REVISE AMICUS BRIEF.	5.00	1,500.00
427 CK	11/18/09	PROFESSIONAL LEGAL SERVICES - ASST ATTY IN PREP OF AMICOS BRIEF.	6.40	480.00
428 DK	11/19/09	REVIEW AND REVISE AMICUS BRIEF FILE AMICUS BRIEF.	4.00	1,200.00
429 DK	1/26/10	REVIEW MCDONALD STATUS AND BRIEFS.	1.00	300.00
430 DK	2/16/10	MEETING WITH GURA AT UCLA.	8.00	2,400.00

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431 CK	3/15/10	MEETING WITH ATTY ON MOOT/IMPACT OF MCDONALD CASE RESEARCH MOOT Q ISSUES.	1.10	82.50
432 DK	3/19/10	PREPARE MOTION FOR SUPP BRIEF RESEARCH CASES AND PROCEDURES. REVIEW CASE FILE.	8.00	2,400.00
433 DK	3/22/10	MEETING WITH CLIENT ON 3/21/2010. REVIEW AND REVISE MOTION FOR SUPP BRIEFING.	2.00	600.00
434 CK	3/22/10	FILE MOTION W/COURT.	.40	30.00
435 CK	3/31/10	PROFESSIONAL LEGAL SERVICES - REVIEW RESPONSE TO MOTION.	.20	15.00
436 DK	4/01/10	PREPARE SUP BRIEF REPLY.	3.50	1,050.00
437 CK	4/01/10	PROFESSIONAL LEGAL SERVICES - FILE REPLY.	.40	30.00
438 CK	4/05/10	REVIEW ORDER OF COURT.	.20	15.00
439 CK	4/14/10	REVIEW AND FILE SCANNED DOCUMENTS.	.30	22.50
440 DK	4/20/10	RESEARCH READY SCOTUS: US. STEVENS.	1.50	450.00
441 DK	5/08/10	MEETING WITH DB KATES.	2.00	600.00
442 DK	5/12/10	RESEARCH. CASES FILED SINCE EN BANC.	2.00	600.00
443 DK	6/15/10	RESEARCH SCOTUS DOCKET.	1.50	450.00
444 DK	6/24/10	MISCELLANEOUS MONITOR SCOTUS BLOG FOR MCDONALD.	.50	150.00
445 DK	6/28/10	REVIEW MCDONALD OPINION.	6.00	1,800.00
446 DK	6/29/10	REVIEW MCDONALD OPINION AND RESEARCH BLOGS.	3.00	900.00
447 DK	6/30/10	MISCELLANEOUS MEETINGS WITH PRESS TELEPHONE CALL FROM CLIENT.	2.50	750.00
448 DK	7/02/10	TELEPHONE CALL TO CLIENT LETTER FROM NPR LETTER TO NPR.	1.00	300.00
449 DK	7/06/10	RESEARCH 1ST, 2ND AND 14TH AMENDMENT AUTH SINCE ORAL ARGUMENTS.	6.00	1,800.00
450 DK	7/07/10	REVIEW MC DONALD AGAIN AND RESEARCH BLOGS, CONSULT WITH CO-COUNSEL. PREPARE FIRST DRAFT OF 28 J LETTER.	4.50	1,350.00
451 DK	7/09/10	REVIEW AND REVISE 28 J LETTER. FILE 28 J LETTER.	4.00	1,200.00
452 DK	7/13/10	REVIEW AND REVISE MOTION FOR SUPP BRIEFING. FILE MOTION FOR SUPPL BRIEFING.	2.50	750.00
453 DK	7/19/10	REVIEW ORDER FOR SUPP BRIEFING. TELEPHONE CALL TO OPPOSING COUNSEL TELEPHONE CALL KATES.	1.00	300.00
454 DK	7/20/10	PREPARE AMICI MEMO LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL TELEPHONE CALL KATES. LETTER KATES.	4.50	1,350.00
455 DK	7/20/10	LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL PREPARE DRAFT STIPULATIONS.	3.00	900.00
456 DK	7/21/10	LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	1.00	300.00
457 DK	7/21/10	RESEARCH.	5.00	1,500.00
458 DK	7/23/10	RESEARCH.	2.00	600.00
459 DK	8/02/10	TELEPHONE CALL LAWYER FROM GOA.	.30	90.00
460 DK	8/03/10	PREPARE STATEMENT OF FACTS.	1.00	300.00
461 DK	8/08/10	PREPARE SUPP BRIEF.	5.00	1,500.00
462 DK	8/09/10	TELEPHONE CALL JOHN MILES OF GOA TELEPHONE CALL KATES.	.20	60.00
463 DK	8/11/10	PREPARE BRIEF TO 9TH CIRCUIT.	3.00	900.00
464 DK	8/12/10	TELEPHONE CALL FROM GOA TELEPHONE CALL TO OPPOSING COUNSEL LETTER TO OPPOSING COUNSEL.	.30	90.00
465 DK	8/12/10	PREPARE DRAFT OF SUPP BRIEF.	2.00	600.00
466 DK	8/13/10	REVIEW AND REVISE SUPP BRIEF.	9.00	2,700.00
467 DK	8/16/10	REVIEW AND REVISE SUPP BRIEF.	5.00	1,500.00
468 DK	8/17/10	REVIEW AND REVISE SUPP BRIEF.	3.00	900.00
469 DK	8/17/10	REVIEW AND REVISE SUPP BRIEF.	10.00	3,000.00
470 DK	8/18/10	REVIEW AND REVISE SUPP BRIEF FILE SUPP BRIEF REVIEW AMICUS BRIEFS.	12.00	3,600.00
471 DK	8/19/10	REVIEW OPP BRIEFS AND OPP AMICUS BRIEFS.	2.00	600.00
472 DK	9/10/10	REVIEW RECENT CASE LAW PREPARE APPEARANCE NOTICES TELEPHONE CALL COCOUNSEL AND ASSOCIATES.	1.50	450.00
473 DK	9/13/10	REVIEW ANDERSON V. HERMOSA BEACH PREPARE FRAP 28(J) LETER.	3.00	900.00
474 DK	9/23/10	PREPARE MOTION FOR SANCTIONS.	8.50	2,550.00
475 DK	9/24/10	REVIEW AND REVISE FRAP 28J REPLY.	4.50	1,350.00
476 DK	9/28/10	LETTER FROM OPPOSING COUNSEL FILED WITH COURT.	.50	150.00
477 DK	10/16/10	REVIEW FILE.	3.50	1,050.00
478 DK	10/17/10	PREPARE FOR HEARING.	5.00	1,500.00
479 DK	10/19/10	PREPARE FOR HEARING APPEAR AT COURT HEARING - ORAL ARGUMENT 9TH CIRCUIT. MEETING WITH CLIENTS.	10.50	3,150.00

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480 DK	12/08/10	REVIEW BRIEF IN EZELL V. CHICAGO.	1.00	300.00
481 DK	1/04/11	REVIEW US V. CHESTER PREPARE FRAP 28(J) LETTER.	2.00	600.00
482 DK	1/05/11	PREPARE 28J LETTER FILE 28J LETTER.	1.00	300.00
483 DK	5/02/11	REVIEW OPINION.	1.50	450.00
484 DK	5/02/11	MISCELLANEOUS PRESS INTERVIEWS RESEARCH TELEPHONE CALL COLLEGUES. TELEPHONE CALL TO CLIENT. REVIEW OPINIONS, AGAIN.	4.00	1,200.00
485 DK	5/09/11	REVIEW OPINION PREPARE DRAFT MEMO FOR EN BANC BRIEF.	2.00	600.00
486 DK	5/11/11	RESEARCH - FOR EN BANC / PETITION FOR CERT.	3.00	900.00
487 DK	5/12/11	FILE MOTION TO EXTEND TIME.	.50	150.00
488 DK	5/17/11	RESEARCH. TELEPHONE CALL KATES.	.30	90.00
489 DK	5/21/11	PREPARE EN BANC BRIEF.	6.00	1,800.00
490 DK	5/22/11	PREPARE EN BANC BRIEF.	12.00	3,600.00
491 DK	5/23/11	PREPARE EN BANC BRIEF FILE.	8.00	2,400.00
492 DK	6/14/11	REVIEW ORDER FROM COURT LETTER TO POSSIBLE AMICI TELEPHONE CALL TO CLIENT.	.50	150.00
493 DK	6/14/11	RESEARCH EN BANC PROCEDURE.	1.00	300.00
494 DK	6/24/11	REVIEW SORRELL V. IMS TELEPHONE CALL KATES, GURA RESEARCH PREPARE FRAP 28(J) LETTER.	6.00	1,800.00
495 DK	6/24/11	REVIEW AND REVISE 28J LETTER FILE 28J LETTER.	1.00	300.00
496 DK	6/27/11	REVIEW SCOTUS OPINIONS FROM JUNE 27, 2011/.	1.00	300.00
497 DK	7/06/11	REVIEW BROWN V. EMA REVIEW EZELL V. CHICAGO PREPARE 28(J) LETTERS ON BOTH CASES.	8.00	2,400.00
498 DK	7/11/11	REVIEW APPELLEE EN BANC RESPONSE.	1.00	300.00
499 DK	7/18/11	PREPARE MOTION FOR REPLY AND REPLY FILE WITH COURT OF APPEALS.	4.00	1,200.00
500 DK	8/02/11	PREPARE 28J LETTER HOYE V. OAKLAND.	1.50	450.00
501 DK	9/11/11	MEETING WITH CLIENT AT SHOW IN SAN JOSE.	1.00	300.00
502 DK	11/28/11	REVIEW EBO. TELEPHONE CALL TO CLIENT.	1.00	300.00
503 DK	11/29/11	TELEPHONE CALL PRESS. TELEPHONE CALL CLIENTS.	.50	150.00
504 DK	11/30/11	REVIEW COURT FILE LETTER TO COURT TELEPHONE CALL TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL.	1.00	300.00
505 DK	12/03/11	PREPARE SUBMISSION FOR COURT 25X ALL BRIEFS AND SUPP AUTH.	3.50	1,050.00
506 DK	12/05/11	PREPARE SUPPLEMENTAL MATERIAL FILING FOR EN BANC.	2.00	600.00
507 DK	12/09/11	MISCELLANEOUS PICKUP PRINT JOB FROM ABL.	1.50	450.00
508 DK	12/09/11	REVIEW PRINT JOB AND ORGANIZE FOR FILING.	6.00	1,800.00
509 DK	12/10/11	PREPARE CD ROMS REVIEW FILING FOR MONDAY. PREPARE LTR TO CLERK.	5.00	1,500.00
510 DK	12/12/11	FILE EN BANC STUFF WITH COURT.	3.50	1,050.00
511 DK	12/13/11	FILE CORRESPONDENCE WITH COURT TO CORRECT FILINGS FOR EN BANC.	2.00	600.00
512 DK	12/13/11	FILE STILL AMENDING FILINGS.	1.00	300.00
513 DK	12/14/11	MISCELLANEOUS: PREPARING RECORD FOR 9TH CIRCUIT.	4.00	260.00
514 DK	12/16/11	FILE EN BANC DOCUMENTS.	4.00	1,200.00
515 DK	12/20/11	FILE REVISED EN BANC PLEADINGS.	4.00	1,200.00
516 DK	12/20/11	REVIEW ORDERS FOR STAY IN SEVERAL CASES TELEPHONE CALL TO OTHER ATTORNEYS IN STAYED CASES.	1.00	300.00
517 DK	12/21/11	LETTER FROM MSSF LETTER TO MSSF TELEPHONE CALL TO CLIENT.	.20	60.00
518 DK	2/23/12	LETTER TO COURT LETTER TO PETER FILE HEARING NOTICES.	1.00	300.00
519 DK	3/01/12	PREPARE FOR ORAL ARGUMENTS.	8.00	2,400.00
520 DK	3/02/12	PREPARE FOR ORAL ARGUMENTS - MOOT COURT IN LA.	10.00	3,000.00
521 DK	3/05/12	RESEARCH FOR ORAL ARGUMENT.	6.00	1,800.00
522 DK	3/06/12	RESEARCH FOR ORAL ARGUMENT.	4.00	1,200.00
523 DK	3/12/12	FILE 28 J LETTERS.	2.00	600.00
524 DK	3/14/12	TELEPHONE CALL MERCURY NEWS.	.30	90.00
525 DK	3/15/12	REVIEW CASE FROM 5TH CIRCUIT.	1.00	300.00
526 DK	3/16/12	PREPARE FOR HEARING.	2.00	600.00
527 DK	3/17/12	PREPARE FOR HEARING.	6.00	1,800.00
528 DK	3/18/12	PREPARE FOR HEARING.	6.00	1,800.00
529 DK	3/19/12	PREPARE FOR HEARING.	3.00	900.00
530 DK	3/19/12	APPEAR AT COURT HEARING.	5.00	1,500.00
531 DK	3/27/12	RESEARCH SUPPLEMENTAL FILINGS REVIEW FILE PREPARE MOTION TO SUPPLEMENT RECORD REVIEW AND REVISE MOTION FILE MOTION LETTER TO CLIENT.	8.00	2,400.00
532 DK	4/03/12	PREPARE REPLY POST-ARGUMENT MOTION TO AUGMENT RECORD.	8.00	2,400.00

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533 DK	4/04/12 REVIEW ORDER FROM COURT.	.50	150.00
534 DK	4/04/12 TELEPHONE CALL FROM MEDIA.	.20	60.00
535 DK	4/06/12 REVIEW FILE FOR MEDIATION.	2.00	600.00
536 DK	4/13/12 PREPARE FOR MEETING - MEDIATION REVEIW WEBSITE TELEPHONE CALL TELECONF WITH MEDIATOR.	2.50	750.00
537 DK	6/04/12 REVIEW OPINION RESEARCH MEETING WITH CLIENT AND PRESS LETTER TO OPPOSING COUNSEL.	3.00	900.00
538 DK	6/07/12 PREPARE MOTION TO STAY APPELLATE DEADLINES.	4.50	1,350.00
539 DK	6/11/12 REVIEW ORAL ARGUMENT FROM 7TH CIRCUIT CASE. RESEARCH.	.50	150.00
540 DK	6/11/12 RESEARCH FILE MOTION FOR EXT TIME. LETTER TO OPPOSING COUNSEL LETTER FROM OPPOSING COUNSEL.	1.50	450.00
541 DK	6/14/12 PREPARE BILL OF COSTS. FILE BILL OF COSTS.	3.50	1,050.00
542 DK	6/15/12 PREPARE PETITION FOR REHEARING - PROBABLY WON'T FILE RESEARCH - ATTY FEES.	4.00	1,200.00
543 DK	6/16/12 MEETING WITH CLIENTS.	2.00	600.00
		1624.11	\$436,957.00

## SUMMARY OF HOURS, RATES &amp; FEES

DK HOURS:	1393.60	@	\$300.00 PER HOUR	\$418,080.00
CK HOURS:	186.16	@	\$75.00 PER HOUR	\$13,962.00
CV HOURS:	17.00	@	\$50.00 PER HOUR	\$850.00
CV HOURS:	11.00			\$0.00
CK HOURS:	12.35	@	\$300.00 PER HOUR	\$3,705.00
CK HOURS:	4.00	@	\$65.00 PER HOUR	\$260.00
FLAT FEE:				\$100.00
NET TOTAL HOURS:	1624.11		NET TOTAL FEES:	\$436,957.00

## COSTS ADVANCED:

## COSTS

544	10/20/00	COST ADVANCED:FILING JOINT STATUS CONF. STATEMENT.	90.00
545	2/01/05	SERVICE OF PROCESS FEE - COUNTY PROCESS # 55797.	82.50
546	2/01/05	SERVICE OF PROCESS FEE - COUNTY PROCESS 55796.	82.50
547	4/27/05	SERVICE OF PROCESS FEE - COUNTY PROCESS # 58777.	82.50
548	4/28/05	SERVICE OF PROCESS FEE - #58777 RUSH FILING OF USDC - SAN FRAN OPPO TO MOTION TO DISMISS.	82.50
549	7/07/05	COST ADVANCED: RUSH COURT FILING.	82.50
550	7/11/05	COST ADVANCED - COUNTY PROCESS RUSH FILING.	82.40
551	7/19/05	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 541.	27.05
552	8/18/05	COST ADVANCED: COUNTY PROCESS #63192.	82.50
553	9/06/05	COST ADVANCED: COURIER FILING.	82.50
554	9/20/05	COST ADVANCED: COUNTY PROCESS FILE WITH JUDGE FEE: SCOPE, INC. V. PATAKI, 2005 WL 2246275 (W.D.N.Y. 2005).	57.50
555	10/11/05	COST ADVANCED: COURRIER SVC - FILING OF JOINT CMC STATEMENT.	60.00
556	10/11/05	COST ADVANCED:LEXIS NEXIS RESEARCH.	7.39
557	10/31/05	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT:48.	2.40
558	11/10/05	COST ADVANCED: LEXIS-NEXIS RESEARCH.	21.86
559	11/30/05	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 86.	4.30
560	12/02/05	COST ADVANCED:TRANSCRIPT - PICKERING.	294.45
561	12/05/05	COST ADVANCED: PICKERING/TRANSCRIPTS.	235.80
562	1/03/06	COST ADVANCED: PBS "PATRIOTS DAY" DVD - RESEARCH.	38.70
563	1/09/06	COST ADVANCED:LEXIS NEXIS RESEARCH.	2.44
564	1/27/06	COST ADVANCED: RUSH SERVICE OF DEPO - COUNTY PROCESS.	85.00
565	1/30/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT:1102.	55.10
566	1/31/06	COST ADVANCED: COUNTY PROCESS RUSH SERVICE OF RICHARD WINNIE IN OAKLAND.	85.00
567	2/21/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 2.	0.10
568	3/04/06	FILING FEE - USDC.	9.00
569	3/04/06	FILING FEE USDC #2.	9.00
570	3/06/06	COST ADVANCED: USDC FEES: \$18; RUSH FILING: 85.	103.00
571	3/06/06	COST ADVANCED: RUSH FILING - NOTICE OF DEPO.	85.00
572	4/06/06	COST ADVANCED: RUSH FILING OF REQUEST FOR CONTINUANCE & PERSONAL SERVICE ON OC - COUNTY PROCESS.	85.00



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573	4/06/06	COST ADVANCED: PERSONAL SERVICE OF LEGAL DOCUMENTS TO RICHARDS WATSON & GERSHON.	65.00
574	4/20/06	COST ADVANCED: FEDEX TO A KOHN.	38.78
575	4/21/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 1418.	70.90
576	4/27/06	COST ADVANCED: KINKOS COPY FEE - EXHIBITS - COLOR COPIES - SCC FAIRGROUNDS GUN SHOW.	236.04
577	5/04/06	COST ADVANCED: PERSONAL SERVICE OF DISCLOSURE - DISCOVERY.	85.00
578	5/08/06	COST ADVANCED: BANISTER CONSULTANT FEES.	250.00
579	5/08/06	COST ADVANCED: LEXIS NEXIS RESEARCH CHARGES.	104.42
580	5/10/06	COST ADVANCED: DISCOVERY SERVICE.	90.50
581	5/18/06	COST ADVANCED: PERSONAL SERVICE - EXPERT'S REPORT - ON OC.	85.00
582	5/19/06	COST ADVANCED: COPIES OF FINANCIAL DOCUMENTS FOR DISCOVERY.	2,789.66
583	5/22/06	COST ADVANCED: COUNTY PROCESS PERSONAL SERVICE OF RESPONSES TO DISCOVERY.	90.00
584	6/19/06	COST ADVANCED: FEDEX EXHIBITS TO OC.	67.59
585	6/21/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 1023.	51.15
586	6/29/06	COST ADVANCED: RUSH FILING OF STIP TO SF USDC.	90.00
587	7/13/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 1924.	96.20
588	7/21/06	COST ADVANCED: ESQUIRE DEPO SVCS.	520.00
589	8/29/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 96.	4.80
590	9/05/06	COST ADVANCED: COUNTY PROCESS # 70376.	85.00
591	9/11/06	COST ADVANCED: COUNTY PROCESS SERVICE # 70186.	60.00
592	9/21/06	COST ADVANCED: ESQUIRE DEPOSITION SVCS INV. 63456ESF - ROSSI, CHINN.	520.00
593	9/21/06	COST ADVANCED: LEXIS NEXIS CHARGES.	12.88
594	9/26/06	FILING FEE.	90.00
595	9/28/06	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 425.	21.25
596	10/05/06	COST ADVANCED: FED EX PETER PIERCE.	27.38
597	2/14/07	COST ADVANCED: COUNTY PROCESS INVOICE# 82955 JSCS FILING.	60.00
598	2/14/07	COST ADVANCED: COUNTY PROCESS LSCS FILING/SERVICE.	60.00
599	2/19/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 24.	1.20
600	2/28/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 24.	1.20
601	3/14/07	COST ADVANCED: LEXIS NEXIS SEARCH FEE.	156.61
602	3/16/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 231.	11.55
603	4/23/07	COST ADVANCED: FILING FEE APPEAL CHECK # 301.	455.00
604	4/24/07	COST ADVANCED: COUNTY PROCESS NOTICE OF APPEAL 78031.	91.25
605	4/26/07	COST ADVANCED: OPPOSITION TO MOTION FOR ADMIN RELIEF 78110.	85.00
606	4/27/07	COST ADVANCED: OPPOSITION TO DEFS MOTION / COUNTY PROCESS RUSH FILING FEE.	85.00
607	5/11/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 1112 OPTICAL SCAN FEE ADVANCED \$0.03 PER PAGE, PAGE COUNT: 66.	57.58
608	5/17/07	COST ADVANCED: LEXIS NEXIS SEARCH.	57.50
609	5/25/07	COST ADVANCED: COUNTY PROCESS 77158 US DISTRICT COURT.	93.75
610	6/28/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 541 OPTICAL SCAN FEE ADVANCED \$0.03 PER PAGE, PAGE COUNT: 907.	54.26
611	7/07/07	FILE EXPENSE: DIVISION INTO THREE NEW BINDERS.	120.00
612	7/16/07	COST ADVANCED: COUNTY PROCESS 76916.	93.75
613	7/17/07	COST ADVANCED: LEXIS NEXIS SEARCH.	36.08
614	7/17/07	COST ADVANCED: COUNTY PROCESS 80654 RUSH FILING USDC SAN FRANCISCO.	93.75
615	8/29/07	OPTICAL SCAN FEE ADVANCED \$0.03 PER PAGE, PAGE COUNT: 2.	0.06
616	9/21/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 131 OPTICAL SCAN FEE ADVANCED \$0.03 PER PAGE, PAGE COUNT: 175.	11.80
617	9/28/07	COST ADVANCED: LEXIS NEXIS INVOICE # 0709115190.	40.84
618	10/22/07	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT: 593 OPTICAL SCAN FEE ADVANCED \$0.03 PER PAGE, PAGE COUNT: 192.	35.41
619	11/13/07	COST ADVANCED: - FEDEX 863115682605.	21.32
620	11/13/07	COST ADVANCED: TABS FOR APPEAL BRIEF LEGAL DIMENSIONS INVOICE # 50205.	205.29
621	11/13/07	COST ADVANCED: COUNTY PROCESS INVOICE # 92457.	92.50
622	11/14/07	COST ADVANCED: FEDEX 863213033909.	46.83
623	11/14/07	COST ADVANCED: FEDEX 863115682866.	49.40
624	11/14/07	COST ADVANCED: FEDEX 863213033894.	59.30

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625	11/14/07	COST ADVANCED: KINKOS/FEDEX 290400KTM1.	103.84
626	11/14/07	COST ADVANCED: FEDEXKINKOS COPIES 1533 @ \$0.09 EACH.	137.97
627	11/14/07	COST ADVANCED:FED EX INVOICE #244126310.	46.83
628	11/15/07	COST ADVANCED:COUNTY PROCESS APPEAL SERVICE INVOICE # 92492.	90.00
629	11/15/07	COST ADVANCED:FED EX INVOICE # 244126310.	55.10
630	11/15/07	COST ADVANCED:FED EX INVOICE # 244126310.	49.40
631	11/15/07	COST ADVANCED:FED EX INVOICE # 244126310.	59.30
632	11/30/07	COST ADVANCED:INVOICE # 0711157703.	394.21
633	12/27/07	PHOTOCOPY CHARGES.	315.45
634	1/06/08	COST ADVANCED:FED EX KINKOS CAMPBELL BIND/COIL BIND NO COVER.	259.14
635	1/09/08	COST ADVANCED:FED EX FILED ENDORSED TO OFFICE INVOICE # 248880096.	21.63
636	1/25/08	COST ADVANCED:FED EX INVOICE # 253907734.	19.78
637	1/25/08	COST ADVANCED:FED EX INVOICE # 253907734.	18.40
638	1/25/08	COST ADVANCED:FED EX INVOICE # 253907734.	21.63
639	1/25/08	COST ADVANCED:FED EX INVOICE # 253907734.	21.63
640	1/25/08	COST ADVANCED:FED EX INVOICE # 253907734.	28.74
641	1/25/08	COST ADVANCED:FED EX INVOICE # 253907734.	27.07
642	1/31/08	COST ADVANCED:LEXIS NEXIS INVOICE # 0801119372.	59.76
643	2/27/08	COST ADVANCED:COPY & SCAN CHARGES.	149.24
644	3/17/08	COST ADVANCED:FED EX INVOICE 2-603-79351.	18.25
645	3/17/08	COST ADVANCED:FED EX INVOICE 2-603-79351.	15.70
646	3/19/08	COST ADVANCED: DOWNLOAD SOFTWARE FEES - D.C. V. HELLER ORAL ARGUMENTS - RELATED CASE ON 2ND AM ISSUE.	79.95
647	4/10/08	COST ADVANCED:COPY & SCAN CHARGES.	43.60
648	7/09/08	COST ADVANCED:COUNTY PROCESS INVOICE #87606.	93.75
649	7/14/08	COST ADVANCED:RUSH FILING 9TH CIRCUIT.	93.75
650	7/28/08	COST ADVANCED:COPY & SCAN.	1.80
651	8/08/08	COST ADVANCED:COUNTY PROCESS # 87207.	93.75
652	8/25/08	COST ADVANCED:LEXIS NEXIS INVOICE # 0807111967.	16.72
653	8/25/08	COST ADVANCED:AMEX FLIGHT INSURANCE 03773700126733.	14.99
654	8/29/08	COST ADVANCED:AMEX KATES FOR BRIEF WRITING.	375.00
655	8/29/08	COST ADVANCED:AMEX FLIGHT INSURANCE.	14.99
656	9/01/08	COST ADVANCED:HERTZ RENTAL 194085345.	224.60
657	9/11/08	COST ADVANCED:CARD STOCK / TAN.	24.84
658	9/11/08	COST ADVANCED:FED-EX KINKOS COPYING AND SHIPPING.	131.23
659	9/11/08	COST ADVANCED:FED EX KINKOS COPYING AND SHIPPING.	58.88
660	9/11/08	COST ADVANCED:FED EX KINKOS.	37.05
661	9/11/08	COST ADVANCED:FED EX INVOICE # 292318266.	55.08
662	9/11/08	COST ADVANCED:FED EX 290400T4R1.	131.23
663	9/12/08	COST ADVANCED:LEXIS NEXIS INVOICE # 0808106939.	29.32
664	9/18/08	COST ADVANCED:HERTZ RENTAL CAR FOR BRIEF OUTLINE / KATES.	224.60
665	9/18/08	COST ADVANCED:SOUTHWEST AIRLINES TO PORTLAND BRIEF / KATES.	375.00
666	9/22/08	COST ADVANCED:FED EX INVOICE # 292318266.	37.05
667	9/22/08	COST ADVANCED:FED EX INVOICE # 292318266.	20.58
668	9/30/08	COST ADVANCED:COPY& SCAN.	140.88
669	9/30/08	COST ADVANCED:LEXIS NEXIS SEARCH INVOICE # 0809125365.	1,308.76
670	10/01/08	COST ADVANCED: LEXIS NEXIS SEARCH OCT 1, 16 AND 22.	995.00
671	10/01/08	COST ADVANCED:COPIES AS PER DK INSTRUCTIONS FOR BINDERS.	29.85
672	10/02/08	COST ADVANCED:FEDEX BINDING COST FOR REPLY BRIEF.	102.06
673	10/23/08	COST ADVANCED:FED EX INVOICE # 2-956-57719.	267.31
674	11/29/08	COST ADVANCED:COPY & SCAN CHARGES.	167.36
675	12/19/08	COST ADVANCED:LEXI NEXIS SEARCH INVOICE # 0812130486.	107.24
676	12/22/08	COST ADVANCED:FED-EX COSTS FOR CD'S SENT OUT FOR MOOT COURT.	123.43
677	1/30/09	COST ADVANCED:LEXIS NEXIS CHARGE INVOICE # 0901151755.	653.35
678	2/27/09	COST ADVANCED:SCAN & COPY.	98.20
679	3/02/09	COST ADVANCED:FEDEX TO CLOUT OF APPEALS INVOICE # 9-095-90758.	25.49
680	4/30/09	COST ADVANCED:LEXIS NEXIS SEARCH INVOICE # 0904112647.	384.00
681	6/03/09	COST ADVANCED:FEES FOR NRA CONVENTION IN ARIZONA.	1,801.05
682	6/08/09	COST ADVANCED:COSTS TO MAIL OUT REPLY BRIEFS.	24.75
683	6/08/09	COST ADVANCED:28(J) LETTER.	14.60
684	6/29/09	COST ADVANCED:COPIES & SCANS.	146.10

## CUMULATIVE STATEMENT-OFFICE COPY

5664-00 -99032

JUNE 20, 2012

PAGE 15

685	6/30/09	COST ADVANCED:LEXIS NEXIS SEARCH INVOICE # 0906096513.	250.50
686	7/21/09	COST ADVANCED:POSTAGE COSTS.	32.47
687	7/30/09	COST ADVANCED:COPY & SCAN.	54.70
688	7/31/09	COST ADVANCED:LEXIS NEXIS SEARCH INVOICE # 0907141620.	68.25
689	8/31/09	COST ADVANCED: POSTAGE.	2.20
690	9/02/09	COST ADVANCED:COPIES AND SCANS FOR EN BANC REVIEW.	532.80
691	9/14/09	COST ADVANCED: POSTAGE.	3.90
692	9/14/09	COST ADVANCED:HOTEL WHITCOMB NIGHT BEFORE ORAL ARGUMENTS.	279.72
693	10/29/09	COST ADVANCED:COPIES AND SCANS.	22.16
694	12/11/09	COPY FEE ADVANCED \$0.05 PER PAGE, PAGE COUNT:477.	47.70
695	3/16/10	COST ADVANCED:LEXIS NEXIS SEARCH INVOICE # 0911107522 RE/MCDONALD.	135.87
696	3/16/10	COST ADVANCED:LEXIS NEXIS SERACH INVOICE # 0911107522.	636.83
697	3/16/10	COST ADVANCED:LEXIS NEXIS SERACH INVOICE # 0909151231.	549.48
698	4/08/10	COST ADVANCED:LEXIS NEXIS INVOICE # 1003102198.	216.39
699	4/15/10	COST ADVANCED:COPY & SCAN CHARGES.	13.70
700	4/15/10	COST ADVANCED:COPY & SCAN CHARGES.	13.70
701	7/09/10	PHOTOCOPY CHARGES.	102.90
702	7/15/10	COST ADVANCED: LEXIS NEXIS SEARCH INVOICE # 1006128432.	45.31
703	8/10/10	COST ADVANCED:LEXIS NEXIS INVOICE # 1007096543.	1,676.50
704	9/10/10	COST ADVANCED:LEXIS NEXIS INVOICE # 1008093958.	2,512.25
705	10/08/10	COST ADVANCED:LEXIS NEXIS SEARCH INVOICE # 1009093810.	311.50
706	10/31/10	COST ADVANCED:LEXIS NEXIS RESEARCH.	10.02
707	12/31/10	COST ADVANCED:ON-LINE RESEARCH LEXIS.	7.33
708	2/28/11	COST ADVANCED:ON-LINE RESEARCH LEXIS NEXIS INVOICE # 1102091968.	28.74
709	5/03/11	COST ADVANCED:FEDERAL EXPRESS # 873152018054.	40.89
710	6/09/11	COST ADVANCED:ON-LINE LEXIS-NEXIS RESEARCH #1105091471 05/01/11 THRU 05/31/11.	393.03
711	6/30/11	COST ADVANCED:NEXIS ON-LINE RESEARCH BILLING PERIOD 06/01/11 THRU 06/30/11.	11.29
712	12/14/11	COST ADVANCED:FEDERAL EXPRESS 876411277674.	25.76
			<b>CURRENT COSTS: \$28,251.92</b>

## PAYMENT ACTIVITY:

713	5/04/05	\$70.00	FROM YOUR GENERAL TRUST TO THIS BILL.
714	6/03/05	\$67.45	PAYMENT WAS RECEIVED, DON KATES JR. - CHECK #892.
715	8/31/05	\$70.00	FROM YOUR TRUST ACCOUNT TO THIS BILL.
716	11/28/05	\$140.00	PAYMENT WAS RECEIVED, DAVID & LILA LINNEHAN CHECK # 2208.
717	3/08/06	\$1,500.00	PAID INTO YOUR TRUST ACCOUNT - CHECK # 5290.
718	3/29/06	\$1,500.00	PAID OUT OF YOUR TRUST ACCOUNT TO PAY JOE BANISTER BILL.
719	12/18/07	\$500.00	PAYMENT WAS RECEIVED, THANK YOU FROM GS2AC CHECK # 1134 THANK YOU.
720	1/18/08	\$2,771.00	PAYMENT WAS RECEIVED, THANK YOU FROM TRUTANICH & MICHEL. LLP CHECK # 18240.
721	1/21/09	\$2,771.00	PAYMENT WAS RECEIVED, THANK YOU CHECK # 19853 COSTS ONLY 9/6-3/7.
722	2/04/09	\$10,332.89	PAYMENT WAS RECEIVED, THANK YOU.

BALANCE PRIOR TO THIS STATEMENT :	\$168,208.00
PLUS: TOTAL PAYMENT ADJUSTMENTS:	\$70.00
PLUS: CHARGES LISTED ABOVE :	\$465,208.92
MINUS: PAYMENTS POSTED :	\$16,722.34-
TOTAL AMOUNT DUE AND PAYABLE, PLEASE PAY:	\$616,764.58

OPENED 4/05	FILE-TO-DATE	ADJUSTMENTS	YEAR-TO-DATE	ENDING
HOURS:	1,624.11	0.00	PAID	BALANCE
PAYMENTS:	\$16,652.34-	\$70.00-	\$0.00	\$0.00
LATE CHARGES:	\$0.00	\$0.00	\$0.00	\$0.00
COSTS:	\$28,251.92	\$0.00	\$0.00	\$11,599.58
FEES:	\$605,165.00	\$0.00	\$0.00	\$605,165.00

**Attachment #4**

Declaration of Donald Kilmer  
in Support of Motion for Attorney Fees  
and Costs and/or Sanctions



# Nordyke Costs - Quickbooks

Invoice	Date	Description of Transaction	C	Debit (-)	Credit (+)	Balance
805	9/22/99	Reimbursable Expenses		\$540.45	\$0.00	-\$540.45
834	11/1/99	Reimbursable Expenses		\$615.47	\$0.00	-\$1,155.92
862	11/30/99	Reimbursable Expenses		\$983.40	\$0.00	-\$2,139.32
901	1/8/00	Reimbursable Expenses		\$722.29		-\$2,861.61
931	2/13/00	Reimbursable Expenses		\$480.00		-\$3,341.61
961	3/31/00	Reimbursable Expenses		\$880.60		-\$4,222.21
1008	5/8/00	Reimbursable Expenses		\$686.40		-\$4,908.61
1104	9/22/00	Reimbursable Expenses		\$920.44		-\$5,829.05
1166	1/3/01	Reimbursable Expenses		\$39.78		-\$5,868.83
1197	4/2/01	Reimbursable Expenses		\$122.86		-\$5,991.69
1223	5/2/01	Reimbursable Expenses		\$144.42		-\$6,136.11
1248	6/11/01	Reimbursable Expenses		\$575.25		-\$6,711.36
1344	9/21/01	Reimbursable Expenses		\$14.90		-\$6,726.26
1412	12/29/01	Reimbursable Expenses		\$78.60		-\$6,804.86
AA-00025	3/15/02	Reimbursable Expenses		\$15.75		-\$6,820.61
AA-00060	5/2/02	Reimbursable Expenses		\$7.95		-\$6,828.56
AA-00089	6/3/02	Reimbursable Expenses		\$91.73		-\$6,920.29
AA-00159	8/30/02	Reimbursable Expenses		\$65.18		-\$6,985.47
AA-00172	8/30/02	Reimbursable Expenses		\$56.10		-\$7,041.57
AA-00216	11/4/02	Reimbursable Expenses		\$441.03		-\$7,482.60



**Attachment #5**

Declaration of Donald Kilmer  
in Support of Motion for Attorney Fees  
and Costs and/or Sanctions

Form 10. Bill of Costs .....(Rev. 12-1-09)

## United States Court of Appeals for the Ninth Circuit

## BILL OF COSTS

**Note:** If you wish to file a bill of costs, it **MUST** be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with 9th Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and 9th Circuit Rule 39-1 when preparing your bill of costs.

Nordyke, et al v. King, et al 9th Cir. No. 07-15763

The Clerk is requested to tax the following costs against: Appellees

Cost Taxable under FRAP 39, 28 U.S.C. § 1920, 9th Cir. R. 39-1	REQUESTED Each Column Must Be Completed				ALLOWED To Be Completed by the Clerk			
	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST	No. of Docs.	Pages per Doc.	Cost per Page*	TOTAL COST
Excerpt of Record	7	855	\$ 0.1	\$ 598.5			\$	\$
Opening Brief	17	144	\$ 0.1	\$ 244.8			\$	\$
Answering Brief			\$	\$			\$	\$
Reply Brief	17	11	\$ 0.1	\$ 18.7			\$	\$
Other**			\$ 0.1	\$ 7,520.8			\$	\$
TOTAL:				\$ 10,234.1	TOTAL:			

\* Costs per page may not exceed .10 or actual cost, whichever is less. 9th Circuit Rule 39-1.

\*\* Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to 9th Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys' fees **cannot** be requested on this form.

*Continue to next page.*

**Form 10. Bill of Costs - Continued**

I, Donald Kilmer, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed.

Signature s/ Donald Kilmer

("s/" plus attorney's name if submitted electronically)

Date Jun 14, 2012

Name of Counsel: Donald Kilmer

Attorney for: Appellants: Russell Allen Nordyke, Sallie Ann Nordyke, Jess B. Guy, Duane Darr, William Jones, Daryl Davis, Tasiana Westyschyn, Jean Lee, Todd Baltes, Dennis Blair, R.L. Williams, Roger Baker, Mike Fournier, Virgil McVicker

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(To Be Completed by the Clerk)

Date                     

Costs are taxed in the amount of \$                     

Clerk of Court

By:                                     

, Deputy Clerk

### Attachment to Appellants' Bill of Costs

In this matter the Court ordered several supplemental briefs and the case was argued twice to an en banc panel. Set forth below is a table of the costs associated with hard copy filings ordered by the original 3-judge panel and the en banc panel.

Dkt #	Title	Number	Pages	Cost	Total
51	Appellants' Supplemental Brief	17	58	0.10	98.60
59	Appellants' Supplement Reply Brief	17	28	0.10	47.60
Pursuant to Docket Entry # 99 <i>sua sponte</i> order that case be heard en banc the following additional hard copies of documents already filed were submitted to the Court.					
22	Appellants' Opening Brief	30	144	0.10	432.00
38	Appellants' Reply Brief	30	11	0.10	33.00
22	Excerpt of Record	30	855	0.10	2565.00
51	Appellants' Supplemental Brief	30	58	0.10	174.00
59	Appellants' Supplemental Reply Brief	30	28	0.10	84.00
89	Plaintiff-Appellants' FRAP 35(a) Brief	30	29	0.10	87.00

Pursuant to Docket Entry # 198 order that case be reheard again by en banc panel the following additional hard copies of documents already filed were submitted again to the Court. Note: The Court had retained 10 copies of previously submitted documents. That is the reason for the difference in number of documents submitted.

22	Appellants' Opening Brief	16	144	0.10	230.40
38	Appellants' Reply Brief	16	11	0.10	17.60
22	Excerpt of Record	16	855	0.10	1368.00
51	Appellants' Supplemental Brief	16	58	0.10	92.80
59	Appellants' Supplemental Reply Brief	16	28	0.10	44.80
89	Plaintiff-Appellants' FRAP 35(a) Brief	16	29	0.10	46.40
150	Appellants' Supplemental Brief Pursuant to July 19, 2010 Order	26	57	0.10	148.20
189	Appellants' Petition for Panel Rehearing and/or En Banc Rehearing	26	26	0.10	67.60

191	Appellants' Motion for Leave to File a Reply Brief in Support of Panel Rehearing and/or En Banc Rehearing	26	13	0.10	33.80
220	Complied FRAP 28(j) Submissions	26	750	0.10	1950.00
TOTAL					\$7,520.80

I, Donald Kilmer, swear under penalty of perjury that the services for which costs are taxed in this attachment to Appellants' Bill of Costs were actually and necessarily performed, and that the required costs were actually expended as listed.

Date: June 14, 2012

s/ Donald Kilmer  
Counsel for Appellants



No. 07 – 15763 [DC# CV 99-4389-MJJ]

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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RUSSELL ALLEN NORDYKE; et al.,  
*Plaintiffs - Appellants,*

vs.

MARY V. KING; et al.,  
*Defendants - Appellees.*

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APPEAL FROM THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---

DECLARATION OF DON B. KATES  
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES  
AND COSTS, MOTION FOR DAMAGES UNDER 28 U.S.C. § 2202,  
AND/OR SANCTIONS AGAINST APPELLEES

---

Donald E. J. Kilmer, Jr.\*  
Law Offices of Donald Kilmer  
1645 Willow Street, Suite 150  
San Jose, California 95125  
Vc: 408/264-8489 Fx: 408/264-8487  
E-Mail: Don@DKLawOffice.com

Don B. Kates  
Attorney at Law  
22608 N.E. 269<sup>th</sup> Avenue  
Battleground, Washington 98604  
Vc: 360/666-2688 Fx: 360/666-3303  
E-Mail: DonKates@earthlink.net

Counsel for Plaintiff - Appellants

Co-Counsel for Plaintiff - Appellants

*\*Counsel of Record*

**DECLARATION OF DON B. KATES**

I, Don B. Kates, declare the following based on my own personal knowledge and a diligent review of the records I keep in the normal course of business.

1. Since 1966 I have been a member in good standing of the California Bar.
2. While Donald Kilmer has always been the principal attorney on the *Nordyke* case, I have assisted him therein.
3. I cannot now account for my time on this case because my accountant, my wife Valerie Klein, is currently on vacation on the East Coast.
4. I can, however, account for part of my work on the case: 45.7 hours which were done for the firm of Chuck Michel and billed to the National Rifle Association at the rate of \$150.00 per hour.
5. My usual hourly rate for my time is \$400.00 per hour based on the following:
  - a. I have practiced in the area of constitutional law since 1966.
  - b. I have specialized in constitutional cases involving firearms since approximately 1980.

- c. Firearm cases in which I have acted as counsel include:

*District of Columbia v. Heller*, 554 US 570, 128 [consultant to plaintiffs' counsel in the D.C. circuit court case; directed the NRA's amicus brief efforts in the Supreme Court], *Doe v. City & County of San Francisco* (1982) 136 Cal.App. 3d 509, 186 Cal.Rptr. 380, *Fiscal, et al. v. City and County of San Francisco, et al.* (2008) 158 Cal.App.4th 895, *California Rifle & Pistol Assn. v. City of West Hollywood* (1998) 66 Cal.App.4th 1302, 78 Cal.Rptr.2d 591, *Fresno Rifle & Pistol Club, Inc. v. Van De Kamp*, 965 F.2d 723 (9th Cir. 1992) [amicus brief].

- d. I have written extensively in the area including the following:

- i. RESTRICTING HANDGUNS (1979);
- ii. Firearms Regulation Issue of LAW & POLICY Q. (v. 5, # 3, 1983);
- iii. FIREARMS AND VIOLENCE: ISSUES OF REGULATION (1983);
- iv. Firearms Regulation Issue of LAW &

- CONTEMPORARY PROBLEMS (v. 49 # 1, 1986);
- v. THE GREAT AMERICAN GUN DEBATE: ESSAYS ON FIREARMS AND VIOLENCE (Pacific Research, 1997);
  - vi. ARMED: NEW PERSPECTIVES ON GUN CONTROL (Prometheus, 2001);
  - vii. "Local Gun Bans in California: A Futile Exercise," 41 USF Law Review 333 (2007);
  - viii. "Would Banning Firearms Reduce Murder and Suicide?: A Review of International and Some Domestic Evidence" 30 HARVARD JOURNAL OF LAW & PUBLIC POLICY (2007);
  - ix. "A Modern Historiography of the Second Amendment," 56 U.C.L.A. L. Rev. 1211 (2009);
  - x. "Second Amendment Limitations and Criminological Considerations," 60 Hastings Law Journal 1339 (2009);
  - xi. "The Right to Arms, the Criminology of Guns, 2010 Cardozo L. Rev. de novo 86;
  - xii. A forthcoming article in the Journal of Urban Law.

6. The Laffey Matrix rates for the Washington, D.C., area (which is approximately equivalent to San Francisco) is set forth in the following table, last viewed on June 21, 2012 at <http://www.laffeymatrix.com/see.html>:

			Years Out of Law School				
Year	Adjustment Factor*	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/11-5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10-5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09-5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08-5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468

6/1/99- 5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98- 5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97- 5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96- 5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95- 5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94- 5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

7. I have been practicing law since 1966, therefore I fall into the 20+ year category of the Laffey Matrix at a rate of \$734.00 per hour.

a. Total fee request at \$400.00 x 45.7 = \$ 18,280.00

b. Total fee request at \$734.00 x 45.7 = \$ 33,543.80

I declare under penalty of perjury, under the laws of Washington and the United States that the foregoing is true and correct and that this declaration was executed in Battleground, Washington on June 22, 2012. Respectfully Submitted,

/s/ Don B. Kates

Don B. Kates, Attorney for Appellants.

**CERTIFICATE OF SERVICE**

On June 22, 2012, I served the foregoing **DECLARATION OF DON B. KATES IN SUPPORT OF MOTION FOR ATTORNEY'S FEES AND COSTS or in the alternative SANCTIONS AGAINST APPELLEE** by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case. [By agreement, hard-copy service of County Counsel Richard Winnie has been previously waived by T. Peter Peirce, Attorney of Record for Appellees.]

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

Executed this June 22, 2012,

/s/ Donald Kilmer

Attorney of Record for Appellants