

1 Anna M. Barvir, SBN 268728
2 MICHEL & ASSOCIATES, P.C.
3 180 East Ocean Blvd., Suite 200
4 Long Beach, CA 90802
5 Telephone: (562) 216-4444
6 Fax: (562) 216-4445
7 Email: abarvir@michellawyers.com
8 Attorney for Plaintiffs and Petitioners

9
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF FRESNO**

12 SHERIFF CLAY PARKER, TEHAMA
13 COUNTY SHERIFF; HERB BAUER
14 SPORTING GOODS; CALIFORNIA RIFLE
15 AND PISTOL ASSOCIATION
16 FOUNDATION; ABLE'S SPORTING, INC.;
17 RTG SPORTING COLLECTIBLES, LLC;
18 AND STEVEN STONECIPHER,

19 Plaintiffs and Petitioners,

20 vs.

21 THE STATE OF CALIFORNIA; KAMALA D.
22 HARRIS, in her official capacity as Attorney
23 General for the State of California; THE
24 CALIFORNIA DEPARTMENT OF JUSTICE;
25 and DOES 1-25,

26 Defendants and Respondents.

Case No. 10CECG02116

**DECLARATION OF ALBERT E.
PEACOCK III IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES ON APPEAL**

Judge: Jeffrey Y. Hamilton
Dept.: 402
Date: May 31, 2017
Time: 3:30 PM

Action Filed: June 17, 2010

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I, Albert E. Peacock III, declare as follows:

1. I am a Shareholder in the law firm of Keesal, Young & Logan located in Long Beach, California. I am an attorney admitted to the practice of law before the courts of the State of California. I have personal knowledge of the facts contained in this declaration and, if called as a witness, am competent to testify to those facts.
2. In 1983, I graduated from the University of Southern California Law Center with a J.D. Degree.
3. In 1983, I passed the Hawaii Bar Exam and began practicing law with Hamilton, Gibson, Nichelsen, Rush & Moore in Honolulu, Hawaii. I focused primarily on civil litigation including personal injury claims (automobile, aviation, premises liability and products liability) and commercial disputes such as breach of contract claims.
4. In 1988, I passed the California Bar Exam and began practicing with my current firm, Keesal, Young & Logan in Long Beach, California. I continued to focus primarily on civil litigation including personal injury claims and commercial disputes.
5. In 1994, I passed the Alaska Bar Exam and opened Keesal, Young & Logan's Anchorage, Alaska office. While in Alaska, I focused primarily on maritime law matters including litigation and casualty investigations.
6. In 1998, I returned to the Keesal, Young & Logan Long Beach, California office where I remain today. Since returning to Long Beach, my practice continues to focus on civil litigation including personal injury claims and commercial claims. In addition, I began to handle complex engineering and construction cases.
7. In 2016, I became licensed in the State of Washington.
8. Over 34 years of practicing law, I have tried 33 bench or jury trials as lead counsel or second chair and over 15 arbitrations in Alaska, California, Colorado, Hawaii, Illinois, Missouri and Texas.
9. I am a member of the American Board of Trial Attorneys (ABOTA) and was awarded a Proctor in Admiralty by the Maritime Law Association.

1 10. Because of my litigation background and my work on attorney's fees matters, I am
2 familiar with the prevailing market rates for skilled and competent litigators including firearms
3 attorneys in the Southern California legal community.

4 11. At Keesal, Young & Logan, my normal hourly billing rate with 34 years of civil
5 litigation experience is between \$545 and \$640 per hour for non-maritime cases. More junior
6 shareholders in my firm bill between \$459 and \$540 and associates bill between \$265 and \$530 per
7 hour for non-maritime cases depending on their level of experience. These rates are consistent with
8 the rates charged by comparable attorneys in the Southern California community.

9 12. My firm's billing rates are charged to and paid by fee-paying clients of my firm and
10 by defendants through court awards and settlements. They are also the rates my firm claims in fee
11 applications in fee-shifting cases.

12 13. I am aware of the nature of this case and have reviewed the hourly rates being
13 charged by each of plaintiffs' attorneys and their respective experience levels. In my professional
14 opinion, these rates are reasonable and within the market range for comparably qualified and
15 experienced attorneys handling comparable litigation in Southern California.

16 14. C.D. Michel's hourly rate of \$450 is reasonable in my opinion given that he has
17 practiced law for more than 25 years, he is the managing attorney of a well-known and respected
18 law practice focusing on firearms law, and he has litigated many important civil cases involving
19 firearms law and the Second Amendment. Mr. Michel is a highly-respected attorney in civil
20 litigation and is an acknowledged expert in firearms law.

21 15. Clinton B. Monfort's hourly rate of \$325 is in my opinion a reasonable rate for a 5th
22 year associate attorney in Southern California at a firm like C.D. Michel & Associates.

23 16. Sean A. Brady's hourly rate of \$250 is in my opinion a reasonable rate for a second
24 year associate attorney in Southern California at a firm like C.D. Michel & Associates.

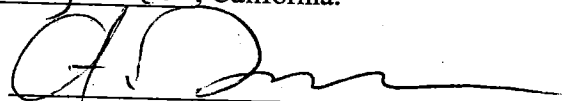
25 17. Anna M. Barvir's hourly rate of \$225 is in my opinion a reasonable rate for a first
26 year associate attorney in Southern California at a firm like C.D. Michel & Associates.

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I declare under penalty of perjury under the laws of the State of California that the forgoing
is true and correct. Executed March 27, 2017, at Long Beach, California.



ALBERT E. PEACOCK III
Declarant

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in Long Beach, Los Angeles County, California. I am over
5 the age of eighteen (18) years and am not a party to the within action. My business address is 180
6 East Ocean Boulevard, Suite 200, Long Beach, CA 90802.

7 On March 27, 2017, I served the foregoing document(s) described as:

8 **DECLARATION OF ALBERT E. PEACOCK III**
9 **IN SUPPORT OF PLAINTIFFS' MOTION ATTORNEYS' FEES ON APPEAL**

10 on the interested parties in this action by placing

11 [] the original
12 [x] a true and correct copy
13 thereof enclosed in a sealed envelope(s) addressed as follows:

14 George Waters
15 Deputy Attorney General
16 1300 I Street, Suite 125
17 P.O. Box 944255
18 Sacramento, CA 94244-2550

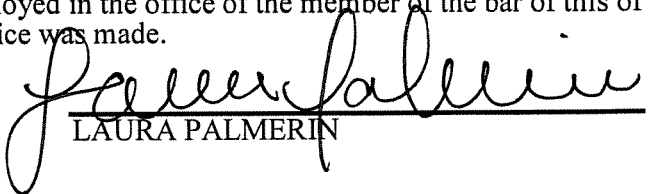
19 P. Patty Li
20 Deputy Attorney General
21 455 Golden Gate Ave., Suite 11000
22 San Francisco, CA 94102

23 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
24 processing correspondence for mailing. Under the practice it would be deposited with the
25 U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles,
26 California, in the ordinary course of business. I am aware that on motion of the party
27 served, service is presumed invalid if postal cancellation date is more than one day after
28 date of deposit for mailing an affidavit.
Executed on March 27, 2017, at Long Beach, California

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

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

23 — (FEDERAL) I declare that I am employed in the office of the member of the bar of this of
24 this court at whose direction the service was made.

25 
26 LAURA PALMERIN