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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 CLINTON B.  
MONFORT 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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statewide legislation, drafting proposed state and municipal legislation, and multiple speaking appearances at governmental proceedings on behalf organizations whose goals include protecting the constitutional rights of United States citizens to keep and bear arms.

6. I have significant and varied experience handling all aspects of civil rights litigation, having litigated multiple cases from initial case preparation through final judgment, and having drafted both party and amicus appellate briefs. My experience includes litigation assistance in a constitutional due process vagueness challenge to California's Assault Weapons Control Act, and preparing and filing one of several high-profile cases aimed at securing a ruling that the Second Amendment is incorporated via the 14th Amendment to apply to both state and municipal government actors, in the wake of the landmark Supreme Court decision, *Heller v. District of Columbia*—ultimately achieving a favorable settlement in that litigation. I am currently litigating multiple civil rights cases of constitutional importance that may determine the applicable constitutional standard of review for various alleged Second Amendment infringements.

7. Because of my accomplishments in the field of civil rights litigation and firearms law, and due to my contributions to Michel and Associates' firearms and civil rights practice, I served as case manager for the firm's firearm and civil rights litigation team from 2009 to February 2017.

## Authentication of Billing

8. Plaintiffs' billing records, attached to the Declaration of Haydee Villegas filed simultaneously herewith, include true and accurate copies of my billing records for which fee recovery is sought in this matter. The records include detailed descriptions of the work I performed on this case and the time spent on each task between May 2011 and December 2013, as well as work I performed on Plaintiffs' fee motion through March 22, 2017.

9. In the regular course and scope of my daily business activities, I prepared the descriptions contained in each billing record that shows my name as the "Timekeeper," and I did so at or near the time of the occurrence of the work that I performed on this matter.

10. The descriptions contained within my billing records are a fair and accurate description of the work I performed on this matter and time spent on each task. In my professional

1 judgment, the amount of time indicated for each task described in my billing records is a  
2 reasonable amount of time for me to have spent on the type of work described therein.

3 **Reasonableness of Time Spent and Fees Requested**

4 11. Plaintiffs' fee claim is based on sworn declarations that describe every activity for  
5 which compensation is claimed and on the actual billing "slips" created for this matter. (Ex. A,  
6 attached to the Declaration of Haydee Villegas filed simultaneously herewith.)

7 12. I am familiar with the way Michel & Associates attorneys record their time and  
8 prepare client invoices in the normal course and scope of business. These billing records are  
9 initially prepared at or around the time of the billing event and recorded under specific numbers  
10 assigned to each client and matter. As the Michel & Associates attorney then designated as  
11 "Responsible Attorney" in this matter, I directed my staff to set up a unique billing matter number  
12 to accurately capture time spent on this case. The fees sought in this case were recorded under that  
13 matter number to capture only that time at issue in this case.

14 13. Each month during the appeal, as the attorney directly responsible for the  
15 management of this case and most knowledgeable about the work performed in furtherance of it, I  
16 personally reviewed every entry that was billed on this matter since Michel & Associates began  
17 work on this case, and I verified that the time was correctly billed to this matter. I also personally  
18 reviewed the records of all time billed to this matter and made reductions (or "no charged") for:

- 19 a. Work that appeared duplicative or excessive;  
20 b. Secretarial work and mixed secretarial/paralegal work, no matter who performed it;  
21 c. Public relations activity related to the case and its subject matter; and  
22 d. Entries that were vague or unclear as to the task performed.

23 In short, I approached the task as if I were preparing a bill for a paying client, recognizing that in  
24 this case the paying client is ultimately the taxpayer. As such, the activities for which recovery is  
25 sought reflect considerable professional "billing judgment."

26 14. During the appeal for which plaintiffs seek fees, I was categorized by Michel &  
27 Associates as an "Associate 5." (See Ex. B.) And, as the Responsible Attorney in this matter during  
28 the appeal, I determined, directed, and advanced the strategy pursued by plaintiffs; I supervised the

1 legal research and writing performed; I directed communications with plaintiffs and opposing  
2 counsel, and I prepared for and participated in oral argument on behalf of plaintiffs. My \$325  
3 hourly rate is well within the hourly rates charged by highly specialized firms for attorneys of  
4 similar skill, experience, and expertise in Southern California.

5 15. My work was supervised by the firm's principal, C.D. Michel, a firearms law  
6 attorney and civil rights litigator with over twenty years of experience. Mr. Michel's qualifications  
7 and significance to the representation in this case are set forth more fully in the Declaration of C.D.  
8 Michel, filed concurrently herewith. Mr. Michel's \$450 hourly rate is well within the hourly rates  
9 charged by highly specialized firms for attorneys of similar skill, experience, and expertise in  
10 Southern California.

11 16. During this appeal, I was assisted by Sean A. Brady, a firearms law attorney and  
12 civil rights litigator. Mr. Brady's qualifications and significance to the representation in this case  
13 are set forth more fully in the Declaration of Sean A. Brady, filed concurrently herewith. Mr.  
14 Brady's \$250 hourly rate is well within the hourly rates charged by highly specialized firms for  
15 attorneys of similar skill, experience, and expertise in Southern California.

16 17. Throughout the all phases of the appeal, I was assisted by Anna M. Barvir, a  
17 firearms law and civil rights attorney with a focus on appeals. Ms. Barvir's qualifications and  
18 significance to the representation in this case are set for the more fully in the Declaration of Anna  
19 M. Barvir, filed concurrently herewith. Ms. Barvir's \$225 hourly rate is well within the hourly rates  
20 charged by highly specialized firms for attorneys of similar skill, experience, and expertise in  
21 Southern California.

22 18. I was also assisted extensively by four law clerks, Tammy Barcenilla, Rudy  
23 Klapper, Ryan Poteet, and Seth Zajac. At Michel & Associates, P.C., the law clerk position is  
24 temporary and clerks come and go at will. At any given time, only one or two law clerks were  
25 assigned to this appeal. Law clerks were primarily responsible for assisting with legal research,  
26 preparing memoranda and case briefs for use in drafting Respondents' Brief, and preparing the  
27 attorneys for oral argument. Michel & Associates, P.C.'s hourly law clerk rate of \$125 is well  
28

1 within the rates charged by private firms for post-graduate law clerks of similar experience, skill,  
2 and expertise who are members of the California Bar.

3 19. Finally, I was assisted by my paralegal, Claudia Nunez, who has approximately 15  
4 years of experience as a legal secretary and paralegal. Ms. Nunez' hourly rate of \$125 is well  
5 within the rates charged by private firms for paralegals of similar skill and experience.

6 20. The total cost that plaintiffs have incurred in prosecuting this lawsuit has far  
7 exceeded \$800,000, including \$426,812.00 for work in the trial court, another \$237,677.50 for  
8 work on appeal, to which at least another \$300,000 for services rendered during review by the  
9 Supreme Court should be added.

10 21. Considering the relative difficulty of succeeding in constitutional vagueness  
11 challenges, the political environment in California, the controversial nature of the challenged laws,  
12 the fact that then-recent successful vagueness challenges had been depublished, I believed there to  
13 be and advised my clients that there was about a 10% chance of success in this litigation at the time  
14 the vital litigation decisions were being made.

15 22. To assist the Court in weighing the reasonableness of Plaintiffs' fee request, all  
16 recoverable time incurred preparing and litigating the appeal has been broken down into six  
17 categories. And it is further broken down by the number of hours billed by each billing professional  
18 for whom fee recovery is sought. Detailed descriptions are provided below, describing the tasks  
19 performed for each category of time spent and for everyone who billed time during that phase of  
20 the litigation.

### 21 **Case Management and Litigation Strategy**

22 23. Our office spent at least 75.6 hours engaged in case management activities  
23 throughout the course of the appeal. These efforts included: (1) meeting to discuss case strategies  
24 and arguments on appeal, deadlines, and division of tasks; (2) preparing motions affecting the  
25 briefing schedule; (3) managing the various requests for amicus participation; and (4) reviewing  
26 party and amicus briefs. (Ex. A; Ex. C, attached to the Declaration of Anna M. Barvir, filed  
27 simultaneously herewith.)

28 ///

1           24.     I spent approximately 34.2 hours engaged in case management and strategy work.  
2 That time breaks down as follows: 15.0 hours analyzing briefs filed on appeal, impact of Senate  
3 Bill 427 and 2012 Legislation, and case law assembled addressing facial vagueness challenges,  
4 entitlement to fee awards in civil right cases, and supplemental authorities to include in  
5 supplemental brief; 1.3 hours corresponding via potential amicus curie parties and co-counsel to  
6 coordinate researching, drafting, filing, and submission amicus briefs on appeal; 0.6 hours drafting  
7 and revising motions and supporting declarations to stay briefing on fee appeal; 3.6 hours  
8 communicating with Plaintiffs, co-counsel, my law clerks, and opposing counsel via e-mail; 8.2  
9 hours conducting legal research and analyzing research memoranda regarding issues on appeal; 3.8  
10 hours participating in meetings with co-counsel and law clerks to discuss litigation strategy,  
11 research memoranda, and the status of appeal status; 0.4 hours reviewing and analyzing final drafts  
12 of amicus curiae briefs filed in support of Plaintiffs; 1.0 hour reviewing and revising notification of  
13 Defendants-Appellants' failure to timely file opening brief, the parties' stipulations for extension of  
14 time, and the motions and declarations in support of staying fee appeal; and 0.3 hours  
15 corresponding via telephone with clients co-counsel, and law clerks regarding amicus briefs; (Ex.  
16 A; Ex. C.)

17           25.     Mr. Michel spent approximately 4.0 hours engaged in case management and  
18 strategy work, participating in meetings and conferences with co-counsel to discuss litigation status  
19 and strategies on; reviewing and analyzing upcoming filings and notices from the court; and  
20 communicating with opposing counsel and co-counsel via e-mail. (Ex. A; Ex. C.)

21           26.     Mr. Brady spent approximately 1.1 hours engaged in case management and strategy  
22 work, discussing and responding to requests for amicus assistance and analyzing the effect of  
23 Senate Bill 427 on the appeal. (Ex. A; Ex. C.)

24           27.     Ms. Barvir spent approximately 17.1 hours engaged in case management and  
25 strategy work. That time breaks down as follows: 11.9 hours researching, drafting, reviewing, and  
26 revising documents impacting the briefing schedule; 1.2 hours communicating via e-mail with co-  
27 counsel and opposing counsel regarding stipulations and amicus curiae participation; 2.6 hours  
28 conducting legal research and drafting legal memoranda regarding the issues on appeal; 1.4 hours

1 participating in meetings with co-counsel to discuss litigation status and strategies, the impact of  
2 pending legislation on the appeal, deadlines, case deadlines, and review of the State's reply brief.  
3 (Ex. A; Ex. C.)

4 28. Law clerks spent approximately 9.9 hours engaged in case management and strategy  
5 work, corresponding with me regarding case law cited in the State's briefing and conducting legal  
6 research and drafting legal memoranda to test the authorities raised by the State on appeal. (Ex. A;  
7 Ex. C.)

8 29. My paralegal, Ms. Nunez, spent approximately 9.3 hours engaged in case  
9 management work, including time spent on the parties' various stipulations to extend the briefing  
10 schedule and working with the court and the attorneys on this case regarding various case-related  
11 deadlines and party filings impacting the appellate briefing schedule. (Ex. A; Ex. C.)

#### 12 **Designation of the Record and Joint Appendix**

13 30. Plaintiffs spent at least 45.8 hours preparing Respondents' Designation of the  
14 Record and assisting the Attorney General's office with the preparation of the Joint Appendix.  
15 Specifically, Plaintiffs' counsel searched for and provided to the Attorney General conformed  
16 copies of trial-court documents and reviewed the 20-volume, 4,314-page Joint Appendix for  
17 accuracy and completeness before filing. (Ex. A; Ex. C.)

18 31. I spent approximately 5.4 hours during the Joint Appendix phase, analyzing the  
19 appendix and participating in meetings to advise Ms. Barvir on the preparation of the appendix.  
20 (Ex. A; Ex. C.)

21 32. Ms. Barvir spent approximately 20.8 hours preparing Respondents' Designation of  
22 the Record and assisting the Attorney General's office with the preparation of the Joint Appendix.  
23 That time breaks down as follows: 2.9 analyzing the trial court record, cross-referencing the docket  
24 with documents in the State's proposed appendix to determine which documents to prepare for  
25 designation of the record; 2.9 hours communicating via e-mail with me regarding research  
26 memoranda on Respondents' designation of record on appeal, and communicating via e-mail with  
27 me and opposing counsel regarding the status and preparation of the Joint Appendix; 2.5 hours  
28 conducting legal research regarding Respondents' designation of record on appeal; 1.5 hours



participating in meetings with me or Ms. Nunez; 10.4 hours preparing and finalizing the Joint Appendix; 0.6 communicating with Ms. Nunez via telephone. (Ex. A; Ex. C.)

33. My paralegal, Ms. Nunez, spent approximately 19.6 hours preparing Respondents' Designation of the Record and assisting the Attorney General's office with the preparation of the Joint Appendix. That time breaks down as follows: 0.4 hours drafting and formatting Respondents' Notice Designating Record on Appeal; 1.9 hours communicating via e-mail with counsel and opposing counsel regarding deadlines and documents needed for Joint Appendix; 0.7 hours meeting with Ms. Barvir regarding documents missing from Joint Appendix; 16.6 hours conducting research, reviewing, and analyzing documents to include in the Joint Appendix. (Ex. A; Ex. C.)

## Respondents' Brief

34. Plaintiffs spent at least 422.9 hours researching, drafting, and preparing Respondents' Brief, a 76-page document that provided a thoroughly researched and exhaustive summary of the complex and conflicting universe of facial vagueness jurisprudence and technical information regarding firearms and ammunition necessary to the reviewing court's full understanding of this case. (Ex. A; Ex. C.)

35. I spent approximately 82.0 hours researching, drafting, and preparing Respondents' Brief on appeal. That time breaks down as follows: 15.1 hours analyzing the State's Opening Brief to brainstorm counter arguments and legal strategies for Respondents' Opening Brief; 19.4 hours conducting legal research on cases cited in the opening brief as well as case law to use in support of Respondents' Opening Brief; 4.8 hours participating in meetings with co-counsel to discuss legal strategy and arguments; 42.0 hours drafting, reviewing, and revising Respondents' Opening Brief;; 0.7 hours communicating via telephone with co-counsel regarding status of brief and appellate strategy. (Ex. A; Ex. C.)

36. Mr. Brady spent approximately 10.5 hours during the Respondents' Brief phase. In that time, he reviewed and analyzed Respondents' Opening Brief, met with and e-mailed me regarding my analyses, and communicated with clients via telephone regarding business information necessary to disclose in Respondents' Brief. (Ex. A; Ex C.)

/ / /

37. Ms. Barvir spent approximately 198.3 hours researching, drafting, and preparing Respondents' Brief on appeal. That time breaks down as follows: 9.3 hours conducting legal research on applicable standards of review in facial vagueness challenges to synthesize the test used in California; 9.8 hours analyzing and reviewing the record on appeal and the State's Opening Brief to formulate strategies to use in Respondents' Opening Brief; 15.3 hours participating in meetings, or corresponding via telephone, with me, Mr. Brady, Ms. Nunez, or the law clerks regarding litigation strategies, legal research findings, and revisions to Respondents' brief; 163.9 hours drafting, reviewing, and revising Respondents' Brief. (Ex. A; Ex. C.)

38. Law clerks spent approximately 117.2 hours during the Respondents' Brief phase. That time breaks down as follows: 78.3 hours conducting legal research, analyzing, synthesizing, and drafting legal memoranda regarding case law involving the standards of review for, and framework of, the void-for-vagueness doctrine, facial challenges, and as-applied challenges in state and federal courts; 6.7 hours participating in meetings with me and/or Ms. Barvir discussing research findings and the applicability to Respondents' Opening Brief; 32.2 hours reviewing and revising Respondents' Opening Brief's citations and fact sections. (Ex. A; Ex. C.)

39. My paralegal, Ms. Nunez, spent approximately 14.9 hours during the Respondents' Brief phase, reviewing, revising, and preparing Respondent's Opening Brief for filing. (Ex. A; Ex. C.)

40. In drafting Respondents' Brief on appeal, Plaintiffs' counsel was required to spend dozens of hours simply analyzing and synthesizing the vast and complex universe of legal authority governing facial challenges and the void-for-vagueness doctrine. Without the hours spent figuring out this often-conflicting area of law, Plaintiffs could not have developed the novel theory they advanced (and which was adopted by the court) on appeal, nor could they have provided the court with the understanding of facial vagueness case law necessary to support that theory.

## Oral Argument

41. Plaintiffs spent at least 311.7 hours preparing for, traveling to, and participating in oral argument on behalf of plaintiffs-respondents. (Ex. A; Ex. C.)

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1           42.     I spent approximately 97.9 hours during the oral argument phase. That time breaks  
2 down as follows: 0.6 hours communicating via e-mail and telephone with co-counsel and others  
3 regarding oral argument; 67.0 hours conducting legal research on scienter, analyzing all briefs and  
4 records, drafting outlines of arguments, and preparing various other documents for oral argument;  
5 19.5 hours of preparation for oral argument, including rehearsing and meeting with co-counsel to  
6 conduct moot court rounds of oral argument; and 10.8 hours traveling to and appearing at the oral  
7 argument. (Ex. A; Ex. C.)

8           43.     Mr. Michel spent approximately 5.8 hours during the oral argument phase, during  
9 which time he reviewed documents pertaining to availability of counsel for oral argument and  
10 corresponded and/or met with me, Mr. Brady, Ms. Barvir, and Ms. Nunez regarding status of oral  
11 argument strategy and preparation. (Ex. A; Ex. C.)

12           44.     Mr. Brady spent approximately 36.0 hours during the oral argument phase. In that  
13 time, Mr. Brady spent 1.4 hours meeting and e-mailing Mr. Michel and me regarding litigation  
14 strategy and handling of oral argument; and 34.6 hours reviewing and analyzing both the appellate  
15 record and briefing to create questions, highlighting issues, and suggesting tips to help prepare me  
16 for oral argument. (Ex. A; Ex. C.)

17           45.     Ms. Barvir spent approximately 71.5 hours during the oral argument phase. That  
18 time breaks down as follows: 2.3 hours reviewing, analyzing, and corresponding via e-mail with  
19 co-counsel and opposing counsel regarding filing the notice of unavailability of oral argument, as  
20 well as corresponding with me via e-mail regarding legal research findings on the scienter and  
21 common usage issues in vagueness cases; 58.8 hours preparing me for oral argument by conducting  
22 moot court rounds and producing study notebooks and binders that included relevant record  
23 excerpts, and charts on relevant case briefs, case holding summaries, and statutory authority; and  
24 10.4 hours traveling to and from and appearing with me at oral argument. (Ex. A; Ex. C.)

25           46.     Law clerks spent approximately 73.4 hours during the oral argument phase. That  
26 time breaks down as follows: 55.3 hours conducting legal research on relevant and cited case law,  
27 legislative history of state laws at issue, and arguments raised in briefing, and meeting with Ms.  
28 Barvir to discuss research; and 18.1 hours preparing me for oral argument by, among other things,

1 drafting case brief summaries that outline the facts, rule, analysis, conclusion, and effect on  
2 Respondents' vagueness challenge, drafting questions to raise at moot court. (Ex. A; Ex. C.)

3 47. My paralegal, Ms. Nunez, spent approximately 27.1 during the oral argument phase,  
4 during which time she met with me and Ms. Barvir regarding materials to include in binders for  
5 oral argument, creating binders for oral argument, researching judicial panel assigned and  
6 legislative history, communicating with court clerk and opposing counsel regarding Respondents'  
7 Notice of Unavailability, and drafting and preparing Notice of Unavailability. (Ex. A; Ex. C.)

8 **Post-Hearing Activity, Review of Decision, and Petition for Review**

9 48. Our office spent at least 19.9 hours engaged in post-hearing activities, including  
10 reviewing the decision and strategizing next steps. (Ex. A; Ex. C.)

11 49. I spent approximately 10.5 hours engaged in post-hearing activities. That time  
12 breaks down as follows: 8.1 hours analyzing and reviewing the appellate opinion affirming  
13 judgment, analyzing and reviewing the State's Petition for Review, analyzing and meeting with  
14 Ms. Barvir to discuss the response to petition; and 2.4 hours conducting legal research on  
15 authorities the opinion relied on that were not raised by Respondents. (Ex. A; Ex. C.)

16 50. Mr. Michel spent approximately 0.5 hours engaged in post-hearing activities,  
17 including corresponding with me via e-mail regarding recent void-for-vagueness decisions and  
18 participating in meetings with me and Ms. Barvir regarding litigation strategy in opposing petition  
19 for review. (Ex. A; Ex. C.)

20 51. Mr. Brady spent approximately 0.1 hours engaged in post-hearing activities. In that  
21 time, Mr. Brady participated in a meeting with Ms. Barvir regarding potential arguments to include  
22 in response to the State's Petition for Review. (Ex. A; Ex. C.)

23 52. Ms. Barvir spent approximately 5.4 hours engaged in post-hearing activities. That  
24 time breaks down as follows: 0.7 hours meeting with myself and Mr. Michel regarding strategies  
25 for opposing the State's petition for review; 1.0 hour drafting correspondence to opposing counsel  
26 regarding new timelines for fee appeal and proposed stipulation seeking further stay of fee appeal  
27 and stay of motion for attorneys' fees on appeal in light of State's Petition for Review of merits  
28 appeal; 2.1 hours drafting Request for Extension to File Answer to Petition; and 1.6 hours

1 communicating via e-mail with co-counsel regarding the State's Petition for review, with the court  
2 clerk regarding status of appeal, and with opposing counsel to discuss remittitur issues and final  
3 resolution of the merits. (Ex. A; Ex. C.)

4 53. My paralegal, Ms. Nunez, spent approximately 3.4 hours engaged in post-hearing  
5 activities. That time breaks down as follows: 0.7 hours meeting and communicating via e-mail with  
6 Ms. Barvir regarding upcoming deadlines regarding the State's Petition for Review, and  
7 communicating via e-mail with opposing counsel; 1.8 hours reviewing the Court of Appeal's  
8 opinion and conducting research on its finality; and 0.9 hours drafting and formatting Request for  
9 Extension of Time to File Answer to Petition for Review. (Ex. A; Ex. C.)

#### 10 **Motion for Attorneys' Fees on Appeal**

11 54. Our office spent at least 169.8 hours on activities necessary to bringing this fee  
12 motion. This includes time spent: conducting legal research regarding the standards for recovery of  
13 section 1021.5 fees on appeal; drafting, reviewing, and revising Plaintiffs' Notice of Motion and  
14 Motion; corresponding with clients to prepare and secure signed declarations; preparing  
15 documentary evidence supporting Plaintiffs' request; and meeting to discuss arguments, strategy,  
16 and division of tasks. (Ex. A; Ex. C.)

17 55. I spent approximately 33.2 hours during the fee motion phase, corresponding with  
18 clients to prepare and secure signed declarations; assisting with the preparation of documentary  
19 evidence supporting Plaintiffs' request; and meeting to discuss arguments, strategy, and division of  
20 tasks. follows: (Ex. A; Ex. C.)

21 56. Mr. Michel spent approximately 0.2 hours during the fee motion phase in his role as  
22 supervising partner. (Ex. A; Ex. C.)

23 57. Ms. Barvir spent approximately 136.4 hours researching, drafting, and preparing  
24 Plaintiffs' Motion for Attorneys' Fees on Appeal and all necessary supporting documents. This also  
25 includes time in meetings to strategize, discuss arguments and evidence, assign tasks. A significant  
26 amount of Ms. Barvir's time, as the attorney now responsible for reviewing bills in this matter, was  
27 also necessarily expended reviewing and analyzing counsel's voluminous billing records to  
28 properly account for the fees requested in Plaintiffs' fee motion. (Ex. A; Ex. C.)

1 I declare under penalty of perjury under the laws of the State of California that the forgoing  
2 is true and correct.

3  
4 Dated: March 27 2017

  
CLINTON B. MONFORT  
Declarant

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA  
3 COUNTY OF FRESNO

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  
East Ocean Boulevard, Suite 200, Long Beach, CA 90802.

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

7 **DECLARATION OF CLINTON B. MONFORT IN SUPPORT OF**  
8 **PLAINTIFFS' MOTION FOR ATTORNEYS' FEES ON APPEAL**

9 on the interested parties in this action by placing

10 [ ] the original

[x] a true and correct copy

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

11 George Waters  
12 Deputy Attorney General  
13 1300 I Street, Suite 125  
14 P.O. Box 944255  
15 Sacramento, CA 94244-2550

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

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

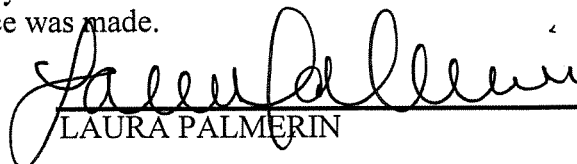
22 Executed on March 27, 2017, at Long Beach, California

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

Executed on June 16, 2016, at Long Beach, California.

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

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

27   
28 LAURA PALMERIN