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3/27/2017
FRESNO COUNTY SUPERIOR COURT
By: C. Cogburn, Deputy

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

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

14 Plaintiffs and Petitioners,

15 vs.

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

19 Defendants and Respondents.

Case No. 10CECG02116

**[PROPOSED] ORDER GRANTING
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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21 On May 31, 2017 at 3:30 p.m. in Department 402 of the Superior Court of California,
22 County of Fresno, 1130 O Street, Fresno, California 93721, this Court heard the motion of
23 prevailing party on appeal, Plaintiffs and Petitioners Sheriff Clay Parker, Herb Bauer Sporting
24 Goods, California Rifle & Pistol Association, Able's Sporting Inc., RTG Sporting Collectibles,
25 LLC, and Steven Stonecipher (collectively, "Plaintiffs") for an award of reasonable attorneys' fees
26 incurred in seeking affirmance of the judgment on appeal against Defendants and Respondents
27 State of California, Attorney General Kamala D. Harris, and the California Department of Justice
28 (collectively, "Defendants"). Appearances were as noted in the record.

1 The Court, having read and considered the Motion, opposition, reply, and having heard and
2 considered the oral arguments of counsel, and good cause appearing, rules as follows:

3 1. Plaintiffs' Motion for Attorneys' Fees on Appeal is **GRANTED**.

4 Plaintiffs are entitled to fees under Code of Civil Procedure section 1021.5, because their
5 lawsuit resulted in the enforcement of an important right affecting the public interest. Plaintiffs'
6 case not only benefitted every existing and future ammunition purchaser and seller in California,
7 but it vindicated every Californian's fundamental, individual right to be free from the burden of
8 vague laws that violate due process and infringe on their Second Amendment right.

9 Plaintiffs' lodestar amount of \$196,107.5 for work on the merits, and \$41,570.00 for work
10 on the fee motion, is reasonable both in terms of the time and labor counsel expended on appeal,
11 and in terms of the Plaintiffs' counsel's hourly rates. As presented in Plaintiffs' declarations and
12 evidence, counsel reasonably spent 875.9 hours to successfully defend the appeal and 169.8 to
13 litigate fees. Plaintiffs' counsel's hourly rates, ranging between \$125 and \$450, are consistent with
14 the prevailing Long Beach market rate for attorneys of comparable skill, experience, and reputation
15 in the practice of constitutional or civil rights law and general civil litigation.

16 Plaintiffs are entitled to a 1.5 multiplier for work on the merits. The issues on appeal
17 involved the novel and complex interplay between the merits of a Due Process vagueness challenge
18 to a law restricting conduct protected by the Second Amendment. Few attorneys, besides Plaintiffs'
19 counsel, were skilled and experienced in this specialized field and related appeal. Although there
20 was no possibility to obtain monetary damages, the time Plaintiffs' counsel on the case prevented
21 them from spending time on other cases. And the results of the appeal were highly successful; in
22 addition to affirming the three state laws were unconstitutionally vague, the Court of Appeal's
23 opinion presents the proper test for facial vagueness challenges in state court.

24 2. Plaintiffs shall be **AWARDED** reasonable attorneys' fees in the amount of
25 \$335,731.25

26 **IT IS SO ORDERED.**

27 Dated: _____

The Honorable Jeffrey Y. Hamilton
Judge of the Superior Court

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

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

8 **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION**
9 **FOR 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.

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

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

31 
32 LAURA PALMERIN