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C.D. Michel - S.B.N. 144258 Scott M. Franklin - S.B. N. 240254 Sean A. Brady - S.B.N. 262007 MICHEL & ASSOCIATES, P.C. 180 East Ocean Blvd., Suite 200 Long Beach, CA 90802 Telephone: (562) 216-4444

Facsimile: (562) 216-4445

Email: cmichel@michellawyers.com

Attorneys for Plaintiffs

V.

#### SUPERIOR COURT OF THE STATE OF CALIFORNIA

#### FOR THE COUNTY OF SACRAMENTO

DAVID GENTRY, JAMES PARKER, MARK MIDLAM, JAMES BASS, and CALGUNS SHOOTING SPORTS ASSOCIATION,

Plaintiffs and Petitioners.

XAVIER BECERRA, in His Official Capacity as Attorney General For the State of California; STEPHEN LINDLEY, in His Official Capacity as Acting Chief for the California Department of Justice, BETTY T. YEE, in Her Official Capacity as State Controller, and DOES 1 - 10,

Defendants and Respondents.

Case No. 34-2013-80001667

By:

DECLARATION OF SCOTT M. FRANKLIN IN SUPPORT OF PLAINTIFFS' MOTION FOR SANCTIONS RE: DEEENDANTS' RESPONSES TO REQUESTS FOR ADMISSIONS (SET THREE) PROPOUNDED ON DEFENDANTS XAVIER BECERRA AND STEPHEN LINDLEY

Hearing Date:

November 3, 2017

OCT 13 2017

Hearing Time:

9:00 a.m.

Judge:

Honorable Michael P. Kenny

Dept.:

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Trial Date:

March 16, 2018

Action Filed: October 16, 2013

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#### **DECLARATION OF SCOTT M. FRANKLIN**

I, Scott M. Franklin, declare:

- 1. I am an attorney at law admitted to practice before all courts of the state of California. I have personal knowledge of each matter and the facts stated herein as a result of my employment with Michel & Associates, P.C., attorneys for Plaintiffs/Petitioners ("Plaintiffs"), and if called upon and sworn as a witness, I could and would testify competently thereto.
- As a result of Defendants' failure to properly comply with Plaintiffs' Requests for Admissions (Set Three), I have expended a total of 14.7 hours on the following tasks: preparing to meet-and-confer with opposing counsel; performing a telephonic meet-and-confer with opposing counsel; sending a detailed follow-up letter related to the meet-and-confer; draft and revise a motion; and drafting and revising documents ancillary to the motion (e.g., declarations, a proposed order, a notice, and a separate statement).
- 3. Based on prior experience in this matter, I expect to spend 3 hours drafting a reply, .6 hours preparing for appearing for the motion hearing, and .7 hours appearing at the motion hearing.
- 4. Based on prior experience in this matter, I expect to spend 8 hours traveling to and from the motion hearing.
- 5. My hourly rate for this matter is \$250, meaning the cost of the billable hours described above (which total 27 hours) is \$6,750. If full compensation for the travel time mentioned above is awarded in response to Defendants' failure to properly response to Plaintiffs' Special Interrogatories (Set Four), then the total costs of billable hours at issue here should be reduced to \$4,750.
- 6. I estimate my expenses related to travel will include \$475 (airfare), \$168 (hotel), and \$5 (parking), for a total of \$648. If full compensation for the travel expenses mentioned in this paragraph is awarded in response to Defendants' failure to properly response to Plaintiffs' Special Interrogatories (Set Four), then there will be no further travel expenses attributable to Defendants' improper response to Plaintiffs' Requests for Admissions (Set Three).
  - 7. The filing fee for the relevant motion was \$60.

8. Based on the information above, Plaintiffs seek sanctions in the amount of \$7,458, or, if there is an award of sanctions fully compensating Plaintiffs' travel time and travel expenses arising out of Defendants' improper response to Plaintiffs' Special Interrogatories (Set Four), then the amount of sanctions sought on the instant matter is \$4,810.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, and that this Declaration was executed on October 13, 2017, in Glendale, California.

God W

Scott M. Franklin Declarant

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2	STATE OF CALIFORNIA
3	COUNTY OF SACRAMENTO
<b>4</b> 5	I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age of eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, CA 90802.
6	On October 13, 2017, the foregoing document described as
7 8.	DECLARATION OF SCOTT M. FRANKLIN IN SUPPORT OF PLAINTIFFS' MOTION FOR SANCTIONS RE: DEEENDANTS' RESPONSES TO REQUESTS FOR ADMISSIONS (SET THREE) PROPOUNDED ON DEFENDANTS XAVIER BECERRA AND STEPHEN LINDLEY
9 10 11	on the interested parties in this action by placing  ☐the original  ☒a true and correct copy  thereof enclosed in sealed envelope(s) addressed as follows:
12 13 14	Anthony R. Hakl Deputy Attorney General 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550
15	Attorney for Defendants
16 17 18	⊠ (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission. Said transmission was reported and completed without error. Executed on October 13, 2017, at Long Beach, California.
19 20 21	☑ (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.  Executed on October 13, 2017, at Long Beach, California.
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24	LAURA PALMERIN
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PROOF OF SERVICE

**PROOF OF SERVICE**