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5 Attorney for Plaintiffs and Petitioners

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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; CRPA FOUNDATION;
ABLE'S SPORTING, INC.; RTG SPORTING
12 COLLECTIBLES, LLC; AND STEVEN
STONECIPHER,

13 Plaintiffs and Petitioners,

14 vs.

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

18 Defendants and Respondents.
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Case No. 10CECG02116

**PLAINTIFFS' NOTICE OF UNTIMELY
RECEIPT OF ORDER AFTER HEARING
AND LATE FILING; DECLARATION OF
ANNA M. BARVIR; DECLARATION OF
HAYDEE VILLEGAS**

Judge: Jeffrey Y. Hamilton
Dept.: 402
Date: September 14, 2017
Time: 3:30 p.m.

Action Filed: June 17, 2010


20
21 COME NOW, Plaintiffs Sheriff Clay Parker, Tehama County Sheriff; Herb Bauer Sporting
22 Goods; CRPA Foundation; Able's Sporting, Inc.; RTG Sporting Collectibles, LLC; and Steven
23 Stonecipher, and provide notice that Plaintiffs have received a copy of this Court's Order After
24 Hearing, granting in part and denying in part Plaintiffs' Motion for Attorneys' Fees on Appeal.
25 They also seek to confirm receipt of the Court's order directing the filing and service of evidence
26 documenting the total "sum of money CRPA Foundation contributed to the attorney's fees for this
27 case" on or before December 5, 2017. Plaintiffs wish to note, however, that due to reasons beyond
28 their control and attested to in the attached declarations of Anna M. Barvir and Haydee Villegas,

1 they did not receive notice of the Court's Order After Hearing setting a deadline of December 5,
2 2017, for the filing of supporting evidence, until the late afternoon of December 5, leaving
3 Plaintiffs' counsel less than two hours to compile, file, and serve the requested documentation.
4 (Barvir Decl., ¶¶ 2-6; Villegas Decl., ¶¶ 2-4)

5 As attested to in the Declaration of Anna M. Barvir, Plaintiffs are able to provide the sort of
6 documentation the Court seeks in its Order After Hearing, but require additional time to file and
7 serve it due to the late receipt of the Court's Order, as well as the type of documentation requested
8 and counsel's other competing professional responsibilities. (Barvir Decl., ¶ 7.) Plaintiffs anticipate
9 that they can serve and file the requested documentation by Friday, December 8, 2017. (*Ibid.*)
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11 Dated: December 5, 2017

Respectfully submitted,
MICHEL & ASSOCIATES, P.C.

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14 Anna M. Barvir
15 Counsel for Plaintiffs and Petitioners
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DECLARATION OF ANNA M. BARVIR

I, Anna M. Barvir, declare as follows:

1. I am an attorney licensed to practice law before the courts of the State of California. I am currently an Associate Attorney at Michel & Associates, P.C., counsel of record for Plaintiffs. I have personal knowledge of each fact stated in this declaration and, if called and sworn as a witness, could and would testify competently thereto.

2. On December 5, 2017, Ms. Laura Palmerin, my paralegal, visited the Fresno Superior Court website for “Case Information” to view the docket in this matter. She did so under my direction that she check the docket weekly for updates regarding the status of Plaintiffs’ Motion for Attorneys’ Fees on Appeal.

3. On December 5, 2017, Ms. Palmerin informed me via email at 3:07 p.m. that the Court had issued an Order After Hearing on November 29, 2017, granting in part and denying in part Plaintiffs’ Motion for Attorney’s Fees. This was the first time my office had received or seen a copy of the Order, having not received anything from the Court in the mail or by any electronic means.

4. Ms. Palmerin immediately came to my office to inform me that the Court’s order also demanded that Plaintiffs provide evidence of the total “sum of money CRPA Foundation contributed to the attorney’s fees for this case” on or before December 5, 2017—the same day that we received actual notice of the Court’s Order.

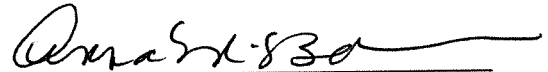
5. I immediately directed Ms. Palmerin to contact the court clerk regarding the late receipt of the Court’s Order in light of the fact that electronic filing of documents must be done in the Superior Court of California, County of Fresno, by 5:00 p.m. to be considered timely. She did so at around 3:11 p.m.

6. Around 3:45 p.m. on December 5, 2017, Ms. Haydee Villegas, the office manager, informed me that we had just received in that day’s mail a copy of the Order After Hearing. While the declaration of service was dated November 29, 2017, the outer envelope was not stamped until Friday, December 1, 2017. Attached hereto as Exhibit A is a true and correct copy of the Order After Hearing and its mailing envelope received by my office on the afternoon of December 5,

1 2017.

2 7. I am able to provide the requested documentation regarding CRPA Foundation's
3 financial responsibility for this litigation, but because of the late receipt of the Court's Order After
4 Hearing—leaving me with two hours to compile the information—I require more time to file the
5 requested evidence. I am, however, working with my office billing department and my client,
6 CRPA Foundation, to provide the Court's requested evidence and documentation as quickly as
7 possible. Based on the type of documentation required, as well as other pressing matters for which I
8 am responsible, I anticipate that I can serve and file the requested documentation by Friday,
9 December 8, 2017.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed this 5th day of December 2017, at Long Beach, California.

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13 Anna M. Barvir
14 Declarant
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EXHIBIT A

<p align="center">SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-2000</p>	<p align="center"><i>FOR COURT USE ONLY</i></p>
<p>TITLE OF CASE: Sherrif Clay Parker vs. State of Calif/JUDGMENT</p>	
<p align="center">CLERK'S CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 10CECG02116</p>

I certify that I am not a party to this cause and that a true copy of the:

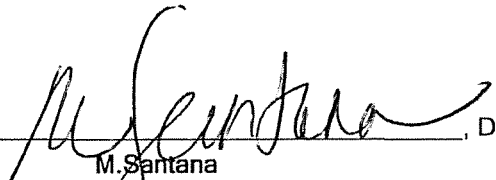
11/29/2017 Minute Order and Order After Hearing

was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: Fresno, California 93724-0002

On Date: 11/29/2017

Clerk, by _____



M. Santana

, Deputy


George Waters
 Deputy Attorney
 PO Box 944255
 Sacramento, CA 94244

Anna M. Barvir
 Michel & Associates, P.C.
 180 E. Ocean Blvd Suite 200
 Long Beach, CA 90802

☐ Clerk's Certificate of Mailing Additional Address Page Attached

Superior Court of California
County of Fresno
1130 "O" Street
Fresno, California 93724-0002



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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 December 5, 2017, I served the foregoing document(s) described as:

8 **PLAINTIFFS' NOTICE OF UNTIMELY RECEIPT OF ORDER AFTER**
9 **HEARING AND LATE FILING; DECLARATION OF ANNA M. BARVIR;**
10 **DECLARATION OF HAYDEE VILLEGAS**

11 on the interested parties in this action by placing

12 [] the original

13 [x] a true and correct copy

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

15 George Waters
16 George.Waters@doj.ca.gov
17 Deputy Attorney General
18 1300 I Street, Suite 125
19 Sacramento, CA 94244-2550

20 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic
21 transmission through One Legal. Said transmission was reported and completed without
22 error.

23 X (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.

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

Executed December 5, 2017 at Long Beach, California.

26 
27 LAURA PALMERIN