

1 XAVIER BECERRA  
Attorney General of California  
2 MARK R. BECKINGTON  
Supervising Deputy Attorney General  
3 GEORGE WATERS  
Deputy Attorney General  
4 State Bar No. 88295  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6059  
Fax: (916) 324-8835  
7 E-mail: George.Waters@doj.ca.gov

*Attorneys for Defendants/Respondents State of  
8 California, Xavier Becerra, and the California  
Department of Justice*

*Exempt from Filing Fees Pursuant to  
Government Code §6103*

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF FRESNO  
12  
13

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

21 Plaintiffs and Petitioners,

22 **v.**

23 **THE STATE OF CALIFORNIA; XAVIER**  
24 **BECERRA, IN HIS OFFICIAL**  
25 **CAPACITY AS ATTORNEY GENERAL**  
26 **FOR THE STATE OF CALIFORNIA; THE**  
27 **CALIFORNIA DEPARTMENT OF**  
28 **JUSTICE, AND DOES 1-25,**

Defendants and Respondents.

Case No. 10CECG02116

**OPPOSITION TO PLAINTIFFS'  
MOTION TO FILE SUPPLEMENTAL  
EVIDENCE IN SUPPORT OF FEES**

Date: March 27, 2018  
Time: 3:30 p.m.  
Dept: 402  
Judge: The Honorable Jeffrey Y.  
Hamilton  
Action Filed: June 17, 2010

1 In its November 29, 2017 order regarding attorneys' fees, the Court noted that plaintiffs'  
2 counsel had stated that "[p]rincipal funding for the case was provided by the NRA." (11/29/17  
3 Order at p. 4.) The Court concluded that

4 [N]either the NRA nor [its] donors chose to take part in this litigation due, apparently,  
5 to the public's likely perception of their involvement. This was the NRA's choice, to  
6 not be party, to not provide attorney services directly, to only fund the litigation  
through a joint legal action project and to direct the law suit's progress from offstage.  
This choice precludes an award of attorney's fees to the NRA.

7 (Id. at p. 9.) On the other hand, the Court concluded that plaintiff CRPA Foundation could  
8 recover "the sum of money it contributed to the attorney's fees for this case." (Ibid.)

9 Accordingly, the Court instructed CRPA Foundation to file documentation evidencing the total  
10 amount it had paid "in support of this litigation." (Ibid.) CRPA Foundation submitted limited  
11 records, defendants filed a response, and a hearing was held on February 8, 2018, to consider the  
12 evidence.

13 CRPA Foundation now has filed a motion to file supplemental evidence, which consists of  
14 excerpts from what apparently is the NRA's 2016 IRS Form 990. The motion should be denied  
15 for two reasons.

16 First, the proffered evidence is not responsive to the Court's request, which sought  
17 documentation of how much CRPA Foundation paid in support of *this* litigation. CRPA  
18 Foundation has not responded to that question. Rather CRPA Foundation submitted a declaration  
19 from the Michel firm's Office Manager that that the firm was on a flat monthly retainer to  
20 conduct litigation on CRPA Foundation's behalf. (Defendants' 12/20/17 Response at pp. 2-3.)  
21 No evidence has been submitted as to how much CRPA Foundation contributed to this particular  
22 litigation. The supplemental evidence (apparently an NRA tax filing) does not respond to this  
23 question.

24 Second, while the proffered evidence appears to be part of the NRA's 2016 IRS Form 990,  
25 it is not authenticated. It was downloaded from a third-party site,  
26 <https://www.documentcloud.org/>. (See 2/7/18 Cubeiro Decl. at ¶ 2.)  
27  
28

1 Dated: March 14, 2018

Respectfully Submitted,

2 XAVIER BECERRA  
3 Attorney General of California  
4 MARK R. BECKINGTON  
5 Supervising Deputy Attorney General

6 */s/ George Waters*

7 GEORGE WATERS  
8 Deputy Attorney General  
9 *Attorneys for Defendants/Respondents*  
10 *State of California, Xavier Becerra, and*  
11 *the California Department of Justice*

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SA2010101624  
12994683.docx

**DECLARATION OF SERVICE BY E-MAIL and OVERNIGHT COURIER**

Case Name: **Sheriff Clay Parker, et al. v. The State of California**

No.: **10CECG02116**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **GOLDEN STATE OVERNIGHT**. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On March 14, 2018, I served the attached **OPPOSITION TO PLAINTIFFS' MOTION TO FILE SUPPLEMENTAL EVIDENCE IN SUPPORT OF FEES** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

Anna Barvir  
Michel & Associates, P.C.  
180 East Ocean Blvd., Suite 200  
Long Beach CA 90802-4079  
Email: [abarvir@michellawyers.com](mailto:abarvir@michellawyers.com)

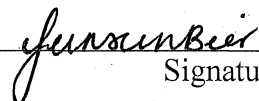
*Attorney for Plaintiffs and Petitioners*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 14, 2018, at Sacramento, California.

---

Tursun Bier  
Declarant

---

  
Signature