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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 NATIONAL RIFLE ASSOCIATION OF
15 AMERICA; JOHN DOE,

16 Plaintiffs,

17 vs.

18 CITY OF LOS ANGELES; ERIC
19 GARCETTI, in his official capacity as
20 Mayor of City of Los Angeles; HOLLY
21 L. WOLCOTT, in her official capacity as
22 City Clerk of City of Los Angeles; and
23 DOES 1-10,

24 Defendants.

Case No.: 2:19-cv-03212 SVW (GJSx)

**DECLARATION OF
ALEXANDER A. FRANK IN
SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’
FEES**

Hearing Date: June 15, 2020
Hearing Time: 1:30 p.m.
Judge: Stephen V. Wilson
Courtroom: 10A

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DECLARATION OF ALEXANDER A. FRANK

I, Alexander A. Frank, declare as follows:

1. I am an attorney licensed to practice law in the state of California and before the United States District Court for the Central District of California. I am an Associate Attorney at the law firm Michel & Associates, P.C. (“MAPC”), attorneys of record for Plaintiffs in this action. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

Plaintiffs’ Counsel Experience

2. In 2016, I graduated from Loyola Law School, Los Angeles, and was admitted to practice law in California state court. The following year, I was admitted to practice in the United States District Courts for the Central and Southern Districts of California.

3. I began my full-time legal career in November 2016 as a junior associate at the Irvine, California offices of Severson & Werson in their financial services practice group. At the time, the firm employed roughly 125 attorneys. My job duties there entailed legal research and motion drafting, propounding and responding to discovery, court appearances, settlement negotiations, and drafting and arguing case-dispositive pleadings and merits challenges to lawsuits. That firm’s clientele included some of the world’s biggest financial institutions.

4. In February 2018, my employment ended at Severson and began at MAPC, attorneys for Plaintiffs in the above-entitled matter. I have been an associate litigation attorney there since that time.

5. My professional focus at MAPC is primarily firearms-related civil rights litigation, primarily in the federal courts. However, I have worked extensively on other matters involving deprivation of property without due process, free speech, and general commercial and civil tort litigation as well. My job duties at MAPC essentially are the same as they were at Severson, but I have been given more

1 responsibility. Another key distinction is the experience I have gained in appellate
2 work and amicus brief drafting, which I did not do at Severson. I have made drafting
3 and research contributions to nearly every amicus curiae brief and nearly every Ninth
4 Circuit and California Court of Appeal brief my firm has done since I started there.

5 6. I was recognized by Southern California Super Lawyers magazine as a
6 “Rising Star” for 2020.

7 7. During this matter, I was categorized by Michel & Associates, P.C., as
8 “Associate 3,” and later as “Associate 4.” *See* Ex. B (attached to declaration of Anna
9 M. Barvir filed simultaneously herewith). My \$350 hourly rate is well within the
10 hourly rates charged by highly specialized firms for attorneys of similar skill,
11 experience, and expertise in Southern California.

12 **Authentication of Billing**

13 8. Plaintiffs’ billing records, attached to the Declaration of Haydee Villegas
14 filed simultaneously herewith, include true and accurate copies of my billing records
15 for which fee recovery is sought in this matter. *See* Ex. A (attached to the Declaration
16 of Haydee Villegas filed simultaneously herewith). The records include detailed
17 descriptions of the work I performed on this matter and the time spent on each task
18 between October 2018 and February 2020, as well as work I performed on this fee
19 motion through April 30, 2020. *Id.*

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

24 10. The descriptions contained within my billing records are a fair and
25 accurate description of the work I performed on this matter and time spent on each
26 task. In my professional judgment, the amount of time indicated for each task
27 described in my billing records is a reasonable amount of time for me to have spent
28 on the type of work described therein.

Role in the Litigation

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2 11. I spent approximately **0.2** hours engaged in a case management meeting
3 with co-counsel. Exs. A, C (attached to the Declaration of Anna M. Barvir filed
4 simultaneously herewith).

5 12. I spent about **9.3** hours during the complaint phase performing legal
6 research into the specific elements of Plaintiffs' First Amendment claim theories.
7 Exs. A, C.

8 13. I spent approximately **45.3** hours during the motions phase of litigation.
9 That time breaks down as follows: (1) roughly 32.0 hours doing legal research to find
10 answers to discrete legal questions in support of drafting assignments; and (2) about
11 10.0 hours drafting discrete sections of motions papers at the direction of partners.
12 The balance of time was spent in brief meetings with my supervising attorneys
13 regarding these assignments. Exs. A, C.

14 14. I spent approximately **10.8** hours on the settlement phase of litigation.
15 That time includes legal research and analysis into the impact of a potential merits
16 loss on fee recovery and drafting of research memoranda to supervising attorneys
17 reporting on findings. Exs. A, C.

18 15. I spent approximately **11.3** hours during the pre-trial and trial
19 preparation phase of litigation. That time includes preparing first drafts of the Joint
20 Pretrial Conference Order and Plaintiffs' Memorandum of Contentions of Fact and
21 Law (about 8.9 hours), as well as conducting legal research into discrete issues raised
22 by supervising attorneys (about 1.8 hours) and meeting with supervisors to discuss
23 those legal research projects and findings (about 0.6 hours). Exs. A, C.

24 16. I spent approximately **33.20** hours during the fee motion phase of
25 litigation. This time breaks down as follows: (1) I spent roughly 15.0 hours making
26 drafting contributions to the memorandum in support of the fee request motion, (2)
27 about 17.8 hours making drafting contributions to the declarations in support of the
28 fee request motion, and (3) about .40 hours drafting and responding to emails

1 regarding the fee motion. Exs. A, C.

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3 I declare under penalty of perjury under the laws of the United States that the
4 foregoing is true and correct. Executed within the United States on April 30, 2020.

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Alexander A. Frank
Declarant

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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *National Rifle Association, et al., v. City of Los Angeles, et al.*
Case No.: 2:19-cv-03212 SVW (GJSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF ALEXANDER A. FRANK IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Benjamin F. Chapman
Los Angeles City Attorney
200 N. Main St., Suite 675
Los Angeles, CA 90012
benjamin.chapman@lacity.org
Attorneys for Defendants

I declare under penalty of perjury that the foregoing is true and correct.

Executed April 30, 2020.

s/ Laura Palmerin

Laura Palmerin