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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 JOSHUA  
ROBERT DALE 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 JOSHUA ROBERT DALE**

I, Joshua Robert Dale, declare as follows:

1. I am an attorney licensed to practice law in the state of California and before all courts of the State of California. I am also licensed to practice before the U.S. Tax Court, the Ninth Circuit Court of Appeals, and the United States District Court for the Central District of California. I am an attorney and Managing Partner 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 2000, I graduated cum laude from the Pepperdine University School of Law in Malibu, California. I have been certified in Dispute Resolution by Pepperdine.

3. I have been practicing law in California for nearly 20 years. I am currently the Managing Partner at MAPC in Long Beach, California. My practice areas include civil litigation with an emphasis on employment, commercial, and firearms matters. I also have extensive alternative dispute resolution training, including experience as a panel neutral for the Los Angeles County Superior Court’s Alternative Dispute Resolution panel.

4. My legal experience includes representing over 100 plaintiffs in a fraudulent transfer action against REIT promoters in a multi-state litigation. I have also represented the interests of a class of plaintiffs in a Private Attorneys General Act employment litigation. I have represented over 50 companies in business litigation matters, either as directly retained counsel or as insurance panel appointed counsel. I have also represented counties, cities, water districts, and their employees in employment and general liability matters. I have handled over a dozen matters deemed complex by the Superior Courts of Los Angeles and Orange Counties including defense of three class action matters.

1           5.     I have tried five cases to verdict and settled dozens of cases on the eve of  
2 trial.

3           6.     My litigation experience includes taking approximately 150 depositions  
4 of witnesses. Of these, approximately 25 depositions have been of witnesses  
5 designated as expert consultants. Among the witnesses I have deposed include  
6 treating physicians, expert consultant physicians, high-level consultants for the Los  
7 Angeles Department of Water and Power, and high-level consultants for the Los  
8 Angeles County Sheriff's Department.

9           7.     I have handled four matters before the California Courts of Appeal. I  
10 have also handled matters before the federal Ninth Circuit and DC Circuit Courts of  
11 Appeals.

12           8.     I have been employed as a mediator through both private mediation and  
13 as a member of the Los Angeles County Alternative Dispute Resolution Panel. I have  
14 been a mediator in approximately 15 cases.

15           9.     I have been published in law reviews and the Los Angeles and San  
16 Francisco Daily Journals regarding issues of civil rights law, employment litigation,  
17 and municipal law.

18           10.    I have been an instructor for municipalities and private companies  
19 providing AB 1825 sexual harassment training to managers and supervisors.

20           11.    I have been an MCLE instructor on 12 presentations regarding discovery  
21 tactics, e-discovery, employment litigation, attorney ethics, and application of  
22 privileges under state and federal law. Attached hereto as **Exhibit I** is a true and  
23 correct copy of the publications and presentations that I have authored and presented.

24           12.    The last case in which I received a specific award of attorney's fees from  
25 a court based on an hourly rate was in 2013 in the Superior Court matter of *Bosco*  
26 *Tuan Tran v. Warren E&P, Inc.*, Los Angeles County Superior Court Case No.  
27 NC057268. At that time, I was a Senior Associate with MAPC, and billed my time at  
28 a rate of \$375 per hour. In that case, which concluded in 2013, \$13,605.07 was

1 requested in attorney's fees for preparing and arguing an anti-SLAPP motion. The  
2 court in that instance awarded \$6,802.54.

3 13. During the period for which Plaintiffs seek fees, I was categorized by  
4 MAPC as "Managing Partner." *See* Ex. B (attached to declaration of Anna M. Barvir  
5 filed simultaneously herewith). My \$550 hourly rate is well within the hourly rates  
6 charged by highly specialized firms for attorneys of similar skill, experience, and  
7 expertise in Southern California.

### 8 **Authentication of Billing**

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

16 15. In the regular course and scope of my daily business activities, I  
17 prepared the descriptions contained in each billing record that shows my name as the  
18 "Timekeeper," and I did so at or near the time of the occurrence of the work that I  
19 performed on this matter.

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

### 25 **Role in the Litigation**

26 17. I spent approximately **1.2** hours engaged in case management work, all  
27 of which was devoted to litigation team meetings where I provided advice on  
28 litigation strategies and the like. Exs. A, C (attached to the Declaration of Anna M.

1 Barvir filed simultaneously herewith).

2 18. I spent approximately **0.4** hours during the motions phase of litigation,  
3 reviewing the motion for preliminary injunction reply and providing feedback and  
4 assistance to the attorneys handling that motion. Exs. A, C.

5 19. I spent approximately **3.5** hours during the settlement phase of litigation.  
6 That time breaks down as follows: (1) about 2.8 hours were spent in meetings with  
7 attorneys, generally to discuss settlement status, strategy, terms, and feasibility; and  
8 (2) about 0.7 hours were spent on legal research regarding a nuanced damages  
9 question relevant to settlement. Exs. A, C.

10 20. I spent approximately **5.2** hours during the pre-trial and trial preparation  
11 phase of litigation. The entirety of this time was spent in meetings with partners and  
12 associates discussing strategy, assigning tasks, and troubleshooting issues. Exs. A, C.

13 21. I spent approximately **.80** hours during the fee motion phase of litigation.  
14 The entirety of that time was spent reviewing, revising, and approving my declaration  
15 in support of Plaintiffs' fee motion. Exs. A, C.

16

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

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Joshua Robert Dale  
Declarant

**EXHIBIT I**

# Joshua Robert Dale



Position:	
Managing Partner	
Direct Line:	
(562) 216-4448	
Assistant's Phone:	
(562) 216-4471	
Email:	<a href="mailto:JDale@michellawyers.com">JDale@michellawyers.com</a>

Mr. Dale manages Michel & Associates, P.C. He practices civil litigation with an emphasis on employment, business, and constitutional matters. He has extensive alternative dispute resolution training, including experience as a panel neutral for the Los Angeles County Superior Court's Alternative Dispute Resolution panel. He has tried numerous cases as well as argued matters in front of state and federal courts of appeal. He previously was a partner in a law firm in Newport Beach, California. His prior representations include defending commercial businesses from hazardous chemical and mold exposure claims and defending government agencies in employment and contract dispute claims.

Mr. Dale is a member of the Society for Human Resource Management. He also has served as a volunteer director for local non-profit organizations. His community participation and legal work have earned him plaudits and awards from local business leaders, congressmen, and community organizations. Mr. Dale graduated from California State University, Fullerton with a B.A. in Communications in 1997. In 2000, he graduated with *cum laude* honors from the Pepperdine School of Law with a J.D. as well as a Certificate in Dispute Resolution after serving as a student body representative, as an editor on the *Pepperdine Law Review*, and as a coach and member of the school's traveling moot court teams.

The following is a representative sample of the institutional clients to whom Mr. Dale has provided counsel:

AcuSport Corporation  
 Brenntag Pacific

The Golden Closet  
 National Rifle Association of America

- Bounds Equity Partners
- Brady Construction & Design
- California Rifle & Pistol Association
- City of Redondo Beach
- Corona Sportsmen's Club
- County of Riverside
- Pacific Broadband Technical Services
- Quest Preservation
- Steelworkers Oldtimers Foundation
- Turner's Outdoorsman
- Warren Resources of California
- West End Gun Club

Mr. Dale currently serves as a Trustee of the Fullerton Library. Mr. Dale is also a firearms owner and shooting enthusiast who proudly represents the interests of firearms owners, manufacturers, retailers, and hobbyists, and he has an abiding belief in the sanctity of the fullest constitutional protections for such activities.

### Publications



**How to Manage Employee Meal Periods**

**Are you liable for employee behavior during commute?**

**When it's time to fire an employee**

**Legal referrals by advocacy orgs. can violate law**

[\*Why a PAGA Legal Claim Can Be So Much More Harmful To An Employer\*](#)

[\*Misclassifying Exempt Employees Can Be Costly\*](#)

[\*How To Conduct Employment Background Checks Without Breaking The Law\*](#)

[\*Harassment And Discrimination – Employer Responsibilities\*](#)

[\*What Didn't Happen in 2010 for California Wage-and-Hour Laws\*](#)

*Bell Scandal: Political Theater At The Expense of Taxpayers*, L.A. Daily Journal, Sept. 27, 2010

*Reallocating Litigation Costs: The Issue of Settlement Offers to Multiple Parties*

*California Exempt from Meal & Rest Period Laws in Correctional Officers' Wage and Hour Class Action Lawsuit: CCPOA v. Calif.*, 2010 DJDAR 14654

*A Mixed Bag For California Contractors: Recent Appellate Court Decisions Hand A Few Victories But Mostly Losses to Subcontractors*

*Federal Law on Genetic Screening of Employees Takes Effect*

*The Renewed Importance of E-Discovery*

[\*Televised Political Debates and Arkansas Educational Television Commission v. Forbes: Excluding the Public from Public Broadcasting\*](#), 27 Pepperdine Law Review 629 (2000)

### Presentations

*Playing the Discovery Game*, MCLE course presenter (2015)

*Beginner Legal Research*, MCLE course presenter (2013)

*Ethical Obligations to Partners & Clients During Law Practice Disputes*, MCLE course presenter (2011)

*California Rules on e-Discovery*, MCLE course presenter (2011)

*Wage & Hour Update*, Employer Advisory Council of Orange County (2010)



*The Instant Impact of Mohawk Industries v. Carpenter (U.S. Supreme Ct., Dec. 8, 2009) on Litigators and Collateral Order Appeals of Attorney-Client Privilege Determinations*, Webinar (2010)

*New Generation of Americans with Disabilities*, Employer Advisory Council of Orange County (2009)

*Managers & Supervisors Sexual Harassment Training Seminar* (2009)

*2009 Overview of Contractual Defense & Indemnity* (2009)

*Preventing Sexual Harassment*, AB 1825 Compliance Seminar (2006)

