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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 SEAN A.
BRADY 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 SEAN A. BRADY

I, Sean A. Brady, 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 attorney and 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’s Background and Experience

2. I began my full-time legal career in August 2008 as a law clerk at Trutanich- Michel, LLP. In January 2009, I became an associate attorney for Trutanich-Michel, LLP, which soon thereafter became MAPC. In 2018, I became special counsel at MAPC. In 2019, I became a partner at MAPC.

3. My practice for the past 12 years has been primarily dedicated to matters involving California and federal firearm laws. In that capacity, I have advised individuals, businesses, and governments on how to comply with complicated firearm regulation schemes, provided analyses of proposed state and local firearm and ammunition related legislation, as well as potential legal challenges thereto, and drafted numerous legal memoranda concerning firearm laws.

4. I have also drafted or assisted in drafting various amicus curiae briefs in important firearm-related cases throughout the country. And I have litigated or assisted in litigating civil rights lawsuits concerning Second Amendment and other constitutional rights violations in various phases of both trial and appellate proceedings in state and federal courts, including petitions to the United States Supreme Court. In doing so, I have personally argued before the Ninth Circuit Court of Appeal and the California Court of Appeal.

5. I was trial counsel in *Peruta v. Cty. of San Diego*, 824 F.3d 919 (9th Cir. 2016), a challenge to the County of San Diego’s concealed firearm carry permit

1 issuance requirements that prevailed before a 3-judge panel of the Ninth Circuit
2 before being overturned en banc. It also drew a dissent from Justice Thomas when the
3 Supreme Court declined to review it. I was primarily responsible for litigating the
4 matter in the trial court, heavily involved in both the appeal before a 3-judge panel of
5 the Ninth Circuit and *en banc* rehearing, and assisted in preparing the petition for writ
6 of certiorari to the Supreme Court.

7 6. Most recently, I am lead counsel for plaintiffs in a case involving a
8 challenge to ammunition sales restrictions adopted by California voters in 2016. The
9 court, in a 120-page decision, granted plaintiffs' request for a preliminary injunction,
10 finding that the plaintiffs were likely to succeed on their claims that the state's
11 ammunition background check system and ban on out-of-state purchases violated the
12 Second Amendment and the Dormant Commerce Clause. *Rhode v. Becerra*, No. 18-
13 cv-802, 2020 U.S. Dist. LEXIS 71893, *108 (S.D. Cal. April 23, 2020). That case is
14 on appeal before the Ninth Circuit.

15 7. A matter I recently was deeply involve with, *B & L Prods. v. 22nd Dist.*
16 *Agric. Ass'n*, No. 3:19-CV-134-CAB-AHG, 2020 U.S. Dist. LEXIS 73950 (S.D. Cal.
17 Apr. 27, 2020), involved a First Amendment focused challenge on behalf of Second
18 Amendment oriented plaintiffs in response to the 22nd Agricultural District of
19 California's efforts to terminate the 30+ year tradition of gun shows at the Del Mar
20 Fairgrounds in San Diego. I participated in briefing the matter and arguing it. My
21 efforts in the matter helped secure a preliminary injunction in favor of my clients.

22 8. Over the years, I have been invited to speak to other lawyers and the
23 media about constitutional issues involving firearm laws countless times, including
24 teaching MCLE courses. I have been guest lecturer on constitutional law at
25 Westwood College, South Bay Campus on occasion.

26 9. During the period for which Plaintiffs seek fees, I was categorized by
27 MAPC briefly as "Associate 6," then "Special Counsel," and shortly thereafter as
28 "Partner." *See* Ex. B (attached to declaration of Anna M. Barvir filed simultaneously

1 herewith). My \$475 hourly rate is well within the hourly rates charged by highly
2 specialized firms for attorneys of similar skill, experience, and expertise in Southern
3 California.

4 **Authentication of Billing**

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

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

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

21 **Role in the Litigation**

22 11. I spent approximately **4.1** hours engaged in case management work. This
23 time breaks down as follows: (1) about 3.0 hours were spent engaged corresponding
24 with the litigation team, including meetings, telephone conferences, and emails; and
25 (2) about 1.1 hours were spent corresponding with my clients. Exs. A, C (attached to
26 the Declaration of Anna M. Barvir filed simultaneously herewith).

27 12. I spent approximately **7.7** hours during the complaint phase of litigation,
28 including time spent drafting, reviewing, revising, and finalizing the complaint. Exs.

1 A, C.

2 13. I spent approximately **80.3** hours during the motions phase of litigation.
3 That time breaks down as follows: (1) about 23.1 hours was devoted to various tasks
4 related to the motion for preliminary injunction, such as brief drafting and revision,
5 legal research, logistical coordination, preparation for and appearance at oral
6 argument, and external client contact; (2) about 48.2 hours was devoted to opposing
7 the City's motion to dismiss, for which I was engaged in essentially the same tasks
8 associated with the MPI. The balance of this time (roughly 9 hours) was devoted to
9 tasks I would characterize as necessary, but tangential to these two main litigation
10 projects that consumed the majority of my time. These tasks included coordinating
11 stipulations, meetings, and other management activities. Exs. A, C.

12 14. I spent approximately **1.2** hours during the discovery phase of litigation.
13 This time was devoted entirely to the various requests for case-relevant public records
14 my office propounded pursuant to California's Public Record Act (PRARs). It
15 involved reviewing responsive documents and engaging in intra-office
16 communication about the responses. Exs. A, C.

17 15. I spent approximately **40.7** hours during the settlement phase of
18 litigation. That time breaks down as follows: (1) about 10.1 hours were devoted to
19 written intra-office correspondence (including email), as well as written
20 correspondence (including email) with opposing counsel and with my clients; (2)
21 about 14.7 hours was spent analyzing legal issues relevant to whether plaintiffs could
22 settle, analyzing settlement offer terms, and writing intra-office memoranda and
23 client memoranda regarding settlement negotiations; (3) about 5.4 hours was devoted
24 to intra-office meetings necessary to coordinate settlement logistics and provide and
25 gain input from others on various settlement-related tasks; and (4) about 5.0 hours
26 was devoted to telephone conferences, including intra-office communications, as well
27 as communications with opposing counsel or my clients. The balance of
28 approximately 5.5 hours consists of billing entries which do not completely fit within

1 one of the sub-categories because they essentially combine elements of all the above.
2 Exs. A, C.

3 16. I spent approximately **14.7** hours during the pre-trial and trial
4 preparation phase of litigation. That time breaks down as follows: (1) about 3.4 hours
5 was devoted to litigation team meetings about trial concerns, assignments, themes,
6 jury selection, etc.; (2) about 2.4 hours was devoted to correspondence (including
7 emails) about pre-trial tasks and objectives; (3) about 7.6 hours was devoted to
8 reviewing, revising, and analyzing pre-trial filings and documents, including
9 Plaintiffs' Exhibit List and Memorandum of Contentions of Fact & Law; and (4)
10 about 1.3 hours of was devoted to intra-office and client telephone conferences
11 related to trial preparation. Exs. A, C.

12 17. I spent approximately **1.5** hours during the fee motion phase of litigation,
13 which was devoted to my declaration in support of Plaintiffs' fee motion. Exs. A, C.

14
15 I declare under penalty of perjury under the laws of the United States that the
16 foregoing is true and correct. Executed within the United States on April 30, 2020.

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Sean A. Brady
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 SEAN A. BRADY 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