Superior Court Of California. Sacramento 10/12/2021 C.D. Michel - S.B.N. 144258 tcrowther Sean A. Brady - S.B.N. 262007 MICHEL & ASSOCIATES, P.C. By 180 East Ocean Blvd., Suite 200 Case Number: Long Beach, CA 90802 34-2013-80001667 Telephone: (562) 216-4444 4 Facsimile: (562) 216-4445 Email: sbrady@michellawvers.com 5 Attorneys for Plaintiffs 6 7 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF SACRAMENTO 10 DAVID GENTRY, JAMES PARKER, Case No. 34-2013-80001667 MARK MIDLAM, JAMES BASS, and 11 CALGUNS SHOOTING SPORTS DECLARATION OF ALEXANDER A. FRANK ASSOCIATION. IN SUPPORT OF PLAINTIFFS' MOTION 12 FOR ATTORNEYS' FEES Plaintiffs and Petitioners. 13 (Filed concurrently with Notice of Motion & Motion, Memorandum of Points & Authorities in V. 14 Support, Request for Judicial Notice, Proposed XAVIER BECERRA, in His Official Order, Declaration of Anna M. Barvir, Declaration 15 Capacity as Attorney General For the State of Sean A. Brady, Declaration of Scott M. Franklin, of California; STEPHEN LINDLEY, in Declaration of C.D. Michel, Declaration of Albert 16 His Official Capacity as Acting Chief for E. Peacock, III, and Haydee Villegas, Exhibits A-I) the California Department of Justice, 17 BETTY T. YEE, in Her Official Capacity Hearing Date: January 14, 2022 as State Controller, and DOES 1 - 10. Hearing Time: 10:00 a.m. 18 Department: 21 Defendants and Respondents. Judge: Hon. Shelleyanne W.L. Chang 19 Trial Date: August 24, 2018 20 Action Filed: October 16, 2013 21 22 23 24 25 26 27 28 1

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I, Alexander A. Frank, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California. My law firm, Michel & Associates, P.C. ("MAPC") is counsel of record for Plaintiffs in this action. I make this declaration in support of Plaintiffs' motion for an attorneys' fee award pursuant to Code of Civil Procedure section 1021.5. The following facts are within my personal knowledge and, if called as a witness, I can and will competently testify hereto.

## **Plaintiffs' Counsel Experience**

- 2. In 2016, I graduated from Loyola Law School, Los Angeles, and was admitted to practice law in California state court in December of 2016.
- 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. 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 responsibility. Another key distinction is the experience I have gained in appellate work and amicus brief drafting, which I did not do at Severson. I have made drafting and research contributions to nearly every amicus curiae brief and nearly every Ninth Circuit and California Court of Appeal brief my firm has done since I started there.
  - 6. Super Lawyers magazine recognized me as a "Rising Star" in 2019, 2020, and 2021

1	7. During this matter, I was categorized by Michel & Associates, P.C., as an
2	"Associate 5." See Ex. B (attached to declaration of Sean A. Brady filed simultaneously herewith)
3	My \$350 hourly rate is well within the hourly rates charged by highly specialized firms for
4	attorneys of similar skill, experience, and expertise in Southern California.
5	Authentication of Billing
6	8. Plaintiffs' billing records, attached to the Declaration of Haydee Villegas filed
7	simultaneously herewith, include true and accurate copies of my billing records for which fee
8	recovery is sought in this matter. See Ex. A (attached to the Declaration of Haydee Villegas filed
9	simultaneously herewith). The records include detailed descriptions of the work I performed on this
10	matter and the time spent on each task between January 2021 and October 2021. Id.
11	9. In the regular course and scope of my daily business activities, I prepared the
12	descriptions contained in each billing record that shows my name as the "Timekeeper," and I did so
13	at or near the time of the occurrence of the work that I performed on this matter.
14	10. The descriptions contained within my billing records are a fair and accurate
15	description of the work I performed on this matter and time spent on each task. In my professional
16	judgment, the amount of time indicated for each task described in my billing records is a reasonable
17	amount of time for me to have spent on the type of work described therein.
18	Role in the Litigation
19	11. I spent approximately <b>16.9</b> hours on work related to preparing this fee motion. This
20	included helping to draft the memorandum in support, legal research on discrete issues that arose
21	during the drafting process, conferences about strategy and logistics with supervising attorneys
22	such as Anna Barvir, helping to draft other declarations in support of this motion for fees. Villegas
23	Decl., Ex. A; Brady Decl., Ex. C.
24	12. I anticipate spending another 10 hours preparing Plaintiffs' reply to the DOJ's
25	opposition to this motion and another 2 hours assisting Ms. Barvir with preparing for any hearing
26	the Court might order, though these hours were not included as part of Plaintiffs' fee request.
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1	I declare under penalty of perjury under the laws of the state of California that the
2	foregoing is true and correct. Executed this 12th day of October, at Studio City, California.
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5	Alexander A. Frank
6	Declarant
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DECLARATION OF ALEXANDER A. FRANK

1 PROOF OF SERVICE 2 STATE OF CALIFORNIA COUNTY OF SACRAMENTO 3 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I am over the age of eighteen (18) years and am not a party to the within action. My 4 business address is 180 East Ocean Blvd., Suite 200, Long Beach, CA 90802. 5 On October 12, 2021, the foregoing document described as 6 DECLARATION OF ALEXANDER A. FRANK IN SUPPORT OF PLAINTIFFS' 7 MOTION FOR ATTORNEYS' FEES 8 on the interested parties in this action by placing  $\Box$  the original 9 ⊠a true and correct copy thereof enclosed in sealed envelope(s) addressed as follows: 10 Ryan A. Hanley 11 Deputy Attorney General California Department of Justice 12 1300 I Street, Suite 125 P.O. Box 944255 13 Sacramento, CA 94244-2550 Ryan.Hanley@doi.ca.gov 14 Attorney for Defendants 15 16 ⊠ (BY OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the 17 practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and 18 placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices. 19 ☐ (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and 20 processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, 21 California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of 22 deposit for mailing an affidavit. 23 I declare under penalty of perjury under the laws of the State of California that the 24 foregoing is true and correct. 25 Executed on October 12, 2021, at Long Beach, California. ann falen 26 27 28