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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

DAVID GENTRY, JAMES PARKER,
MARK MIDLAM, JAMES BASS, and
CALGUNS SHOOTING SPORTS
ASSOCIATION,

Plaintiffs and Petitioners,

v.

XAVIER BECERRA, in His Official
Capacity as Attorney General For the State
of California; STEPHEN LINDLEY, in
His Official Capacity as Acting Chief for
the California Department of Justice,
BETTY T. YEE, in Her Official Capacity
as State Controller, and DOES 1 - 10,

Defendants and Respondents.

Case No. 34-2013-80001667

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR ATTORNEYS' FEES**

(Filed concurrently with Memorandum of Points & Authorities in Support, Request for Judicial Notice, Proposed Order, Declaration of Anna M. Barvir, Declaration of Sean A. Brady, Declaration of Alexander A. Frank, Declaration of Scott M. Franklin, Declaration of C.D. Michel, Declaration of Albert E. Peacock, III, and Haydee Villegas, Exhibits A-I)

Hearing Date: January 14, 2022

Hearing Time: 10:00 a.m.

Department: 21

Judge: Hon. Shelleyanne W.L. Chang

Trial Date: August 24, 2018

Action Filed: October 16, 2013

FILED
Superior Court Of California,
Sacramento
10/12/2021
tcrowther
By _____, Deputy
Case Number:
34-2013-80001667

1 **TO THE CLERK OF THIS COURT, ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on January 14, 2022, at 10:00 a.m. or as soon thereafter as
4 the matter may be heard in Department 21 of the above-entitled court, located at located at 720
5 9th Street, Sacramento, California 95814, Plaintiffs-Petitioners David Gentry, James Parker, Mark
6 Midlam, James Bass, and Calguns Shooting Sports Association (collectively “Plaintiffs”) will, and
7 hereby do, move this Court for an award of attorneys’ fees in the amount of \$604,851.50 against
8 Defendants-Respondents Xavier Becerra, in his official capacity,¹ Stephen Lindley, in his official
9 capacity, and Betty T. Yee, in her official capacity.

10 This motion is brought under the authority of California Code of Civil Procedure section
11 1021.5 and rule 3.1702 of the California Rules of Court, because (1) Plaintiffs prevailed on the
12 merits; (2) they enforced an important right affecting the public interest; (3) they conferred a
13 significant benefit upon the public; (4) the necessity and financial burden of private enforcement
14 makes such award appropriate; and (5) the fees Plaintiffs incurred in obtaining relief in this action
15 are reasonable and fully recoverable.

16 This motion is based on this Notice of Motion and Motion, the Memorandum of Points and
17 Authorities and the Request for Judicial Notice filed in Support, as well as the concurrently filed
18 declarations of Anna M. Barvir, Sean A. Brady, Alexander A. Frank, Scott M. Franklin, C.D.
19 Michel, Albert E. Peacock, III, and Haydee Villegas, and Exhibits A-I. It is also based on all
20 pleadings and documents on file in this action, those matters of which the Court may take judicial
21 notice, and any oral argument that may be made at the hearing on this matter.

22
23 Dated: October 12, 2021

MICHEL & ASSOCIATES, P.C.



Sean A. Brady
Attorney for Plaintiffs and Petitioners

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25
26 _____
27 ¹ Xavier Becerra was replaced by Robert Bonta as the Attorney General for the State of
28 California during the pendency of this action. Because this action was brought against Mr.
Becerra, in his official capacity as the Attorney General, this motion seeks an award of fees
against the now-sitting Attorney General, Robert Bonta.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF SACRAMENTO

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age of eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Blvd., Suite 200, Long Beach, CA 90802.

7 On October 12, 2021, the foregoing document described as

8 **PLAINTIFFS’ NOTICE OF MOTION AND MOTION FOR ATTORNEYS’ FEES**

9 on the interested parties in this action by placing

- 10 the original
11 a true and correct copy

12 thereof enclosed in sealed envelope(s) addressed as follows:

13 Ryan A. Hanley
14 Deputy Attorney General
15 California Department of Justice
16 1300 I Street, Suite 125
17 P.O. Box 944255
18 Sacramento, CA 94244-2550
19 Ryan.Hanley@doj.ca.gov

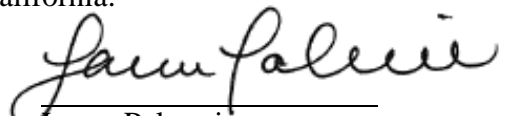
20 *Attorney for Defendants*

21 (**BY OVERNIGHT MAIL**) As follows: I am “readily familiar” with the firm’s practice of
22 collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the
23 practice it would be deposited with a facility regularly maintained by UPS/FED-EX for
24 receipt on the same day in the ordinary course of business. Such envelope was sealed and
25 placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in
26 accordance with ordinary business practices.

27 (**BY MAIL**) As follows: I am “readily familiar” with the firm’s practice of collection and
28 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,
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
deposit for mailing an affidavit.

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

Executed on October 12, 2021, at Long Beach, California.



Laura Palmerin