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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
 11 CIVIL DIVISION

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 13 **SOUTH BAY ROD & GUN CLUB,**
INC., et al.,
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 Plaintiffs,
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 v.
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ROBERT BONTA, et al.,
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 Defendants.
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Case No. 3:22-cv-01461-BEN-JLB

**STIPULATION AND JOINT
 REQUEST FOR ORDER
 REGARDING THE PARTIES'
 SETTLEMENT OF PLAINTIFFS'
 CLAIMS FOR ATTORNEY'S
 FEES AND COSTS**

Action Filed: September 28, 2022

Judgment Entered: March 20, 2023

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BACKGROUND

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2 On September 26, 2022, and September 28, 2022, Plaintiffs filed complaints
3 in the United States District Court for the Southern District of California entitled
4 *Miller v. Bonta* (Case No. 3:22-cv-1446) and *South Bay Rod & Gun Club, Inc. v.*
5 *Bonta* (Case No. 3:22-cv-1461). In both cases, Plaintiffs alleged that Section 2 of
6 Senate Bill 1327, codified as California Code Civil Procedure § 1021.11, violated
7 their rights under the United States Constitution and requested an injunction
8 directing Defendants to stop enforcing the law. On December 9, 2022, the Court
9 granted Governor Gavin Newsom’s Motion to Intervene as a Defendant in both
10 cases.

11 In accordance with the District Court’s December 19, 2022 Opinion and Order
12 in both cases, Plaintiffs, Defendants, and Intervenor-Defendant stipulated to entry
13 of judgment for Plaintiffs, which the Court ordered, adjudged, and decreed on
14 March 20, 2023. Neither Defendants nor Intervenor-Defendant appealed that order,
15 and Plaintiffs requested attorney’s fees and costs from Defendants under 42 U.S.C.
16 § 1988.

THE PARTIES’ STIPULATION AND JOINT REQUEST

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18 Plaintiffs, Defendants, and Intervenor-Defendant have now reached an
19 agreement regarding costs and fees, and jointly request that the Court enter the
20 accompanying proposed order effectuating the agreement. Defendants and
21 Intervenor-Defendant have approved a settlement of fees and costs for both *Miller*
22 *v. Bonta* (Case No. 3:22-cv-1446) and *South Bay Rod & Gun Club, Inc. v. Bonta*
23 (Case No. 3:22-cv-1461). Defendants, Intervenor-Defendant, and Plaintiffs agree
24 that a total of \$556,957.66, divided among Plaintiffs’ counsel as described below, is
25 a reasonable recovery for Plaintiffs’ attorney’s fees in these matters. The parties
26 agree and stipulate as follows:

- 27 1. Defendants shall pay Plaintiffs’ counsel the sum of \$556,957.66, divided
28 as follows:

- 1 a. the sum of \$196,168.28 to Benbrook Law Group, PC;
- 2 b. the sum of \$97,789.38 to Cooper & Kirk, PLLC;
- 3 c. the sum of \$204,000.00 to Michel & Associates, PC; and
- 4 d. the sum of \$59,000.00 to the Law Offices of Donald Kilmer, PC.

5 2. This payment will completely satisfy Defendants’ and Intervenor-
6 Defendant’s obligation to pay costs and fees in *Miller v. Bonta* (Case No. 3:22-cv-
7 1446) and *South Bay Rod & Gun Club, Inc. v. Bonta* (Case No. 3:22-cv-1461);
8 Plaintiffs will not be entitled to interest if payment is made by September 30, 2023.

9 3. This payment is contingent upon certification of availability of funds, the
10 approval of the Director of the Department of Finance, and is subject to
11 appropriation by the Legislature.

12 4. Defendants agree to keep Plaintiffs apprised of the progress of the bill,
13 and to act in good faith to facilitate its enactment as soon as practicable.

14 5. If Defendants fail to pay the agreed upon amount by September 30,
15 2023, Plaintiffs retain the right to seek fees, costs, and interest by noticed motion
16 seeking more than the agreed-upon amount, and the Court retains jurisdiction to
17 decide such a motion. In such event, Defendants will not oppose the request for the
18 amounts set out above, and Plaintiffs will not need to submit an affidavit or other
19 evidence to the Court in support of an award for the costs and fees described in
20 paragraph 1, as would otherwise be required.

21 6. This stipulation contains the entire agreement between Plaintiffs,
22 Defendants, and Intervenor-Defendant.

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24 IT IS SO STIPULATED.

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1 Dated: June 1, 2023

ROB BONTA
Attorney General of California
R. MATTHEW WISE
Supervising Deputy Attorney General

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/s/ Elizabeth K. Watson
ELIZABETH K. WATSON
Deputy Attorney General
*Attorneys for Defendant Attorney
General Rob Bonta*

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8 Dated: June 1, 2023

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/s/ Bradley A. Benbrook
Bradley A. Benbrook
Benbrook Law Group, PC
Counsel for Plaintiffs in *Miller v.
Bonta*

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12

13 Dated: June 1, 2023

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/s/ Pete Patterson
Pete Patterson
Cooper & Kirk, PLLC
Counsel for Plaintiffs in *Miller v.
Bonta*

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18 Dated: June 1, 2023

19

/s/ Konstadinos T. Moros
Konstadinos T. Moros
Michel & Associates
Counsel for Plaintiffs in *South Bay
Rod & Gun Club v. Bonta*

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21

22 Dated: June 1, 2023

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/s/ Donald Kilmer
Donald Kilmer
Law Office of Donald Kilmer, PC
Counsel for Plaintiffs in *South Bay
Rod & Gun Club*

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26 Dated: June 1, 2023

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/s/ Thomas A. Willis
Thomas A. Willis
Olson Remcho
Counsel For Intervenor Defendant

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CERTIFICATE OF SERVICE

Case Name: *South Bay Rod & Gun Club, Inc., et al. v. Rob Bonta*
Case No. **3:22-cv-01461-BEN-JLB**

I hereby certify that on June 2, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

STIPULATION AND JOINT REQUEST FOR ORDER REGARDING THE PARTIES' SETTLEMENT OF PLAINTIFFS' CLAIMS FOR ATTORNEY'S FEES AND COSTS

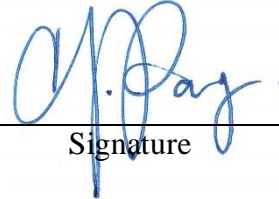
I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on June 2, 2023, at San Francisco, California.

G. Pang

Declarant

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Signature