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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
11 CIVIL DIVISION

12
13 **JAMES MILLER, et al.,**

14 Plaintiffs,

15 v.

16 **ROB BONTA, et al.,**

17 Defendants.

Case No. 3:22-cv-01446-BEN-JLB

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

18 Action Filed: September 26, 2022

19 Judgment Entered: March 20, 2023

20
21 **BACKGROUND**

22 On September 26, 2022, and September 28, 2022, Plaintiffs filed complaints
23 in the United States District Court for the Southern District of California entitled
24 *Miller v. Bonta* (Case No. 3:22-cv-1446) and *South Bay Rod & Gun Club, Inc. v.*
25 *Bonta* (Case No. 3:22-cv-1461). In both cases, Plaintiffs alleged that Section 2 of
26 Senate Bill 1327, codified as California Code Civil Procedure § 1021.11, violated
27 their rights under the United States Constitution and requested an injunction
28 directing Defendants to stop enforcing the law. On December 9, 2022, the Court

1 granted Governor Gavin Newsom’s Motion to Intervene as a Defendant in both
2 cases.

3 In accordance with the District Court’s December 19, 2022 Opinion and Order
4 in both cases, Plaintiffs, Defendants, and Intervenor-Defendant stipulated to entry
5 of judgment for Plaintiffs, which the Court ordered, adjudged, and decreed on
6 March 20, 2023. Neither Defendants nor Intervenor-Defendant appealed that order,
7 and Plaintiffs requested attorney’s fees and costs from Defendants under 42 U.S.C.
8 § 1988.

9 THE PARTIES’ STIPULATION AND JOINT REQUEST

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

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

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

25 2. This payment will completely satisfy Defendants’ and Intervenor-
26 Defendant’s obligation to pay costs and fees in *Miller v. Bonta* (Case No. 3:22-cv-
27 1446) and *South Bay Rod & Gun Club, Inc. v. Bonta* (Case No. 3:22-cv-1461);
28 Plaintiffs will not be entitled to interest if payment is made by September 30, 2023.

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

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

6 5. If Defendants fail to pay the agreed upon amount by September 30,
7 2023, Plaintiffs retain the right to seek fees, costs, and interest by noticed motion
8 seeking more than the agreed-upon amount, and the Court retains jurisdiction to
9 decide such a motion. In such event, Defendants will not oppose the request for the
10 amounts set out above, and Plaintiffs will not need to submit an affidavit or other
11 evidence to the Court in support of an award for the costs and fees described in
12 paragraph 1, as would otherwise be required.

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

15
16 IT IS SO STIPULATED.

17
18 Dated: June 1, 2023

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

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20
21 /s/ Elizabeth K. Watson
22 ELIZABETH K. WATSON
23 Deputy Attorney General
24 Attorneys for Defendant Attorney
25 General Rob Bonta

26
27 Dated: June 1, 2023

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

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Dated: June 1, 2023

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

Dated: June 1, 2023

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

Dated: June 1, 2023

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

Dated: June 1, 2023

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

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CERTIFICATE OF SERVICE

Case Name: *Miller, James, et al. v. Rob Bonta, et al. (S.D. Cal.)*
Case No. **3:22-cv-01446-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

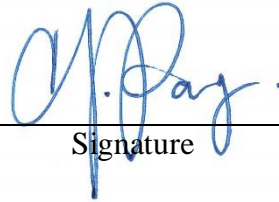
I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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