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24 Attorneys for Plaintiffs

25 UNITED STATES DISTRICT COURT  
26 EASTERN DISTRICT OF CALIFORNIA

27 JEFF SILVESTER, BRANDON COMBS, THE  
28 CALGUNS FOUNDATION, INC., a non-profit  
organization, and THE SECOND  
AMENDMENT FOUNDATION, INC., a non-  
profit organization,

Plaintiffs,

v.

KAMALA D. HARRIS, Attorney General of  
California, and DOES 1 to 20,

Defendants.

Case No.: 1:11-CV-2137 AWI SAB

**PLAINTIFFS' SUPPLEMENTAL BRIEF  
REGARDING ATTORNEYS' FEES  
SPENT ON POST-TRIAL MOTIONS AND  
FEE APPLICATION**

Hearing Date: Dec. 8, 2014  
Hearing Time: 1:30 p.m.  
Judge: Hon. Anthony W. Ishii  
Courtroom: 2

1 Pursuant to the Court's December 3, 2014 Order (Dkt. 129), Plaintiffs submit this  
2 supplemental brief regarding attorneys' fees for time spent on post-trial motions and for the fee  
3 application.

4 *Post-Trial Motions.* Plaintiffs incurred fees opposing Defendant's motion to alter or  
5 amend the judgment (Dkt. 110) and motion to stay (Dkt. 114), as follows:

6 Stephen M. Duvernay spent 8.1 hours in connection with the consolidated opposition to  
7 Defendant's motion to alter or amend the judgment and motion to amend the stay, which  
8 represents time spent communicating with the client and co-counsel regarding strategy for the  
9 opposition, legal research, and preparing the opposition brief. (Plaintiffs' Supplemental  
10 Declaration re: Attorney Fees and Costs (Dkt. 128), Declaration of Stephen M. Duvernay, ¶ 5.)

11 Bradley A. Benbrook spent 1.9 hours in connection with the consolidated opposition,  
12 which represents time communicating with the client and co-counsel regarding strategy for the  
13 opposition and revising the opposition brief. (Duvernay Decl., ¶ 6.)

14 Don Kilmer spent 1 hour in connection with the consolidated opposition. (Plaintiffs'  
15 Supplemental Declaration re: Attorney Fees and Costs (Dkt. 128), 2:12-14.)

16 *Fee Application.* Stephen Duvernay spent 1.8 hours in connection with this fee  
17 application, which represents time spent drafting his declarations, communications with the client  
18 and co-counsel, and preparing this supplemental brief. (Supplemental Declaration of Stephen M.  
19 Duvernay in Support of Plaintiffs' Motion for Attorney's Fees, ¶ 2.)

20 Don Kilmer spent 4 hours preparing the reply brief in support of Plaintiffs' Fee  
21 Application. (Plaintiffs' Supplemental Declaration re: Attorney Fees and Costs (Dkt. 128), 2:11-  
22 12.)

23 *Hourly Rates.* Plaintiffs have requested that Mr. Kilmer's fees at \$640 per hour based on  
24 the Laffey Matrix. (Plaintiffs' Fee Motion, Dkt. 108, at 7.) Plaintiffs request fees for Mr.  
25 Benbrook's work at his regular hourly rate of \$425, and for Mr. Duvernay's work at his regular  
26 hourly rate of \$325. Both rates are in line with their skill and experience, which is set forth in  
27 Mr. Duvernay's December 3 declaration. (Dkt. 128, Duvernay Decl., ¶¶ 3-4.)  
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Dated: December 9, 2014

BENBROOK LAW GROUP, PC

*/S/ STEPHEN M. DUVERNAY*

By

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STEPHEN M. DUVERNAY  
Attorneys for Plaintiffs