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**Government Code § 6103]**

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

ALIANZA TRANSLATINX; C.A., a minor by and through his Guardian ad Litem E.S.; H.P., a minor by and through her Guardian ad Litem C.W.; and ERIN SPIVEY, as taxpayer,

Petitioners,

v.

CITY OF HUNTINGTON BEACH, a municipal corporation; HUNTINGTON BEACH CITY COUNCIL, as the governing body of the Huntington Beach Public Library; ASHLEY WYSOCKI, in her official capacity as the Director of Community and Library Services for Huntington Beach; and DOES 1-50, inclusive;

Respondents.

Case No. 30-2025-01462835-CU-WM-CJC

**RESPONDENTS' OPPOSITION TO PETITIONERS' MOTION FOR ATTORNEY FEES**

[*Filed concurrently with Request for Judicial Notice In Support of Opposition to Petitioners' Motion for Attorney Fees; Respondents' Evidentiary Objections to Petitioners Motion for Attorney Fees]*

Judge: Hon. Lindsey Martinez
Dept.: C24
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Respondents, CITY OF HUNTINGTON BEACH ("City"), CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ("City Council"), and ASHLEY WYSOCKY (collectively "Respondents") submit the following Opposition to the Motion for Attorney Fees (the "Motion") filed by Petitioners, ALIANZA TRANSLATINX; C.A., a minor by and through his Guardian ad Litem E.S.; H.P., a minor by and through her Guardian ad Litem C.W.; and ERIN SPIVEY, as taxpayer (collectively, "Petitioners").

## I. INTRODUCTION

Petitioners' motion for attorneys' fees must be denied because the elements of Code of Civil Procedure section 1021.5 are not met. An award of attorneys' fees under Code of Civil Procedure section 1021.5 requires that "the action" has resulted in the enforcement of an important right affecting the public interest and that "(a) a significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons" by the action.

Measure A was approved by the voters on June 10, 2025, months before judgment was entered in this case on October 24, 2025. Measure A repealed the challenged provisions of the Huntington Beach Municipal Code that were at issue in this lawsuit. Since Measure A was a citizen measure that was approved by the voters, the current and all future city councils cannot take any action to enforce the challenged ordinance in this lawsuit as a matter of law.[1] Before this lawsuit was decided, Measure A resulted in the invalidation of the challenged provisions of the Huntington Beach Municipal Code that are the subject of this litigation, rather than this lawsuit. As such, the elements of section 1021.5 for an award of attorneys' fees are not satisfied here because Measure A resulted in the outcome sought by this lawsuit before judgment was entered in this case.

Alternatively, should this Court find that Petitioners are entitled to attorneys' fees in some amount *arguendo*, which is not the case, then Petitioners' attorneys' fees must be reduced

[1] The California Supreme Court in *Rossi v. Brown* (1995) 9 Cal.4th 688, explained that "[t]he people's reserved power of initiative is greater than the power of the legislative body. The latter may not bind future Legislatures . . . but by constitutional and charter mandate, unless an initiative measure expressly provides otherwise, an initiative measure may be amended or repealed only by the electorate. Thus, through exercise of the initiative power the people may bind future legislative bodies . . . other than the people themselves." (*Id*. at pp.715 - 716 [internal citations omitted].)

substantially. This lawsuit was filed on February 26, 2025 and resulted in a judgment that was entered on October 24, 2025. As such, the duration of this lawsuit was only approximately eight months. The amount of attorneys' fees sought by Petitioners, $1,468,640.31, equates to a claim of attorneys' fees of $183,580.03 per month. Petitioners' attorneys' fees are unreasonably inflated.

The record shows that Petitioners staffed this case with more than a dozen timekeepers, resulting in repetitive strategy calls, overlapping draft reviews, and senior-rate attorneys performing basic administrative tasks. Indeed, nearly half of the time billed by some senior lawyers consists solely of internal meetings and co-counsel communications. The First Amendment Coalition and Jenner & Block, meanwhile, provided only broad hour totals grouped by generic labels such as "research," "review and edit briefs," or "communications," making it impossible to determine what work was performed or whether it was necessary. These defects go not only to the weight of the proffered evidence, but also its admissibility—that is, Petitioners reliance on summaries and declarant descriptions rather than the actual contemporaneous entries, trigger concerns under the secondary-evidence, hearsay, and authentication rules.[2]

Petitioners' hourly-rate evidence is also flawed. Their rate expert relies almost exclusively on inapposite comparators—federal jury trials, class actions, anti-SLAPP cases, and big-firm complex litigation—none of which is comparable to an Orange County state-court writ of mandate resolved on the papers. Nothing in Petitioners' so called proof establishes the prevailing local rate for similar work, and Petitioners' request for a multiplier only underscores their overreach for an outrageous amount of fees: this case involved no unusual risk, no complex factual development, and no extended litigation. Section 1021.5 does not entitle Petitioners to shift the costs of inefficient staffing, non-descriptive or inadmissible billing submissions, duplicative inter-firm coordination, or premium rates untethered to the relevant market to the City.

Finally, a multiplier is inappropriate here given that this lawsuit only lasted eight months and focused on the application of State law to city regulations rather than any novel constitutional issues.

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[2] Evidentiary objections are filed concurrently herewith.

## II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioners filed this writ proceeding on February 26, 2025, asserting that the City's Ordinance No. 4318 and Resolution No. 2023-41 establishing a process for relocation of certain library books and the process to determine that those books should be moved because of sexual content that is inappropriate for children violated State law and constitutional protections. This writ of mandate case proceeded without discovery or a trial, and the parties litigated the matter based on the administrative record and briefing typical of a writ of mandate case.

Petitioners were represented by three nonprofit organizations—the ACLU of Southern California, the First Amendment Coalition (FAC), and Community Legal Aid SoCal (CLA)—along with pro bono counsel from Jenner & Block.

Measure A was approved by the voters on June 10, 2025, months before judgment was entered in this case on October 24, 2025. Measure A repealed the challenged provisions of the Huntington Beach Municipal Code that were at issue in this lawsuit, which included that "Chapter 2.66 of Title 2 of the Huntington Beach Municipal Code is stricken." (Measure A, Section 1.) Measure A also includes, for example that: "B. Library materials shall not be excluded from the library collection because of the origin, background, or views of those contributing to the creation of the materials, or because of the topic addressed by the materials or the views expressed in the materials." Additionally, while Measure A had the legal effect of repealing Resolution 2023-41, the City Council clarified that by adoption of Resolution 2025-57 on August 19, 2025, confirming that "Resolution No. 2023-41 is no longer in effect because of the passage of Measure A." (Resolution 2025-57, at paragraph 1.)

The petition and complaint filed by Petitioners states that "[t]he Library Measures comprise Huntington Beach Resolution No. 2023-41 and Huntington Beach Ordinance No. 4318, which, taken together,[3] announce and implement the library policies and practices Plaintiffs challenge via

[3] Petitioners have argued that Ordinance No. 4318 and Resolution No. 2023-41 are distinguishable and have a separate legal effect from each other. However, Petitioners admit that both Ordinance No. 4318 and Resolution No. 2023-41 are to be treated as one of the same by being "taken together". This admission by Petitioners supports that both Ordinance No. 4318 and Resolution No. 2023-41 were repealed by operation of law when Measure A was enacted.

this petition and complaint. The Resolution is a statement of City policy and the Ordinance further implements that policy." (Complaint at p. 3, footnote 2 [emphasis added].) Ordinance No. 4318, which was codified at Chapter 2.66 of the Huntington Beach Municipal Code, is discussed at length in the petition and complaint, including at paragraph 5, and paragraphs 56 through 67 of the petition and complaint.

Among other arguments made by the City, this Court rejected the City's arguments that Measure A rendered the litigation moot. Judgment was entered in favor of Petitioners on October 24, 2025. Respondents have filed a notice of appeal from the judgment and that appeal is pending.

## III. LEGAL STANDARD

Petitioners seek attorney fees under Code of Civil Procedure section 1021.5, which authorizes the award of attorney fees to a "successful party" in an action resulting in the enforcement of an important right affecting the public interest, provided that specified criteria are satisfied. (Code Civ. Proc., § 1021.5.) To qualify, the moving party must establish that (a) the litigation conferred a significant benefit, whether pecuniary or nonpecuniary, on the general public or a large class of persons; (b) the necessity and financial burden of private enforcement make a fee award appropriate; and (c) in the interest of justice, the fees should not be paid out of the recovery, if any. (*Ibid*.)

Even where these threshold requirements are met, the statute vests the trial court with broad discretion to determine whether a fee award is appropriate and, if so, to limit the award to fees that are reasonable and necessary under the circumstances. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1132.) This discretion is guided by the lodestar figure, which the court determines based on "careful compilation of the time spent and reasonable hourly compensation of each attorney . . . involved in the presentation of the case." (*Serrano v. Priest* (1977) 20 Cal.3d 25, 48 [*Serrano III*].) As the California Supreme Court has repeatedly made clear, the lodestar consists of "all the hours *reasonably* spent, including those relating solely to the fee . . . multiplied by the hourly prevailing rate for private attorneys in the community conducting noncontingent litigation of the same type." (*Ketchum*, *supra*, 24 Cal.4th at p. 1133–1134 [emphasis added]; see also *Graham v. DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, 579.)

Finally, a fee request that appears unreasonably inflated permits the trial court to reduce the

award or deny a motion for attorneys' fees. (*Chavez v. City of Los Angeles* (2010) 47 Cal.4th 970, 989-991; *Serrano v. Unruh* (1982) 32 Cal.3d 621, 635; *Guillory v. Hill* (2019) 36 Cal.App.5th 802, 805–806).

## IV. ARGUMENT

### A. Petitioners' Motion For Attorneys' Fees Must Be Denied Because The Elements Of Code Of Civil Procedure Section 1021.5 Are Not Met.

An award of attorneys' fees under Code of Civil Procedure section 1021.5 requires that "the action" has resulted in the enforcement of an important right affecting the public interest and that "(a) a significant benefit, whether pecuniary or nonpecuniary, has been conferred on the general public or a large class of persons" by the action.

The above required elements are not met for an award of attorneys' fees in this case. Specifically, Chapter 2.66 was repealed by a citizen measure, Measure A, which qualified for the June 10, 2025 ballot based on the requisite number of signatures of registered voters in the City. On June 10, 2025, the voters approved Measure A, which expressly provided that "Chapter 2.66 of Title 2 of the Huntington Beach Municipal Code is stricken." (Measure A § 1.) Measure A further provided that "[l]ibrary materials shall not be excluded from the library collection because of the origin, background, or views of those contributing to the creation of the materials, or because of the topic addressed by the materials or the views expressed in the materials." (Measure A § 1(B).) The City Council adopted Resolution 2025-57 on August 19, 2025 to confirm that "Resolution No. 2023-41 is no longer in effect because of the passage of Measure A." (Resolution 2025-57, at paragraph 1.)

Meanwhile, the primary relief sought in Plaintiffs' petition and complaint was the invalidation of the City's "Library Measures." Petitioners themselves alleged that "Resolution No. 2023-41 and Huntington Beach Ordinance No. 4318 . . . taken together, announce and implement the library policies and practices Plaintiffs challenge via this petition and complaint. The Resolution is a statement of City policy and the Ordinance further implements that policy." (Complaint at p. 3,

footnote 2 [emphasis added].)[4] Ordinance No. 4318, which was codified at Chapter 2.66 of the Huntington Beach Municipal Code, is discussed at length in the petition and complaint. (*Id*. at ¶¶ 5, 56–67.)

Accordingly, the voters' approval of Measure A achieved the precise objective of this lawsuit by repealing Chapter 2.66 and replacing it with controlling voter-enacted policy governing the selection of library materials. Measure A was approved by the voters on June 10, 2025, months before this Court entered judgment on October 24, 2025.

Once approved, the City Council was bound to comply with Measure A by operation of law, regardless of this litigation. Under the California Constitution, "the people reserve to themselves the powers of initiative and referendum." (Cal. Const., art. IV, § 1; art. II, §§ 8, 11, subd. (a).) Moreover, Courts afford "extraordinarily broad deference" to the electorate's exercise of the initiative power. (*See Pala Band of Mission Indians v. Board of Supervisors* (1997) 54 Cal.App.4th 565, 573–574; *California Cannabis Coal. v. City of Upland* (2017) 3 Cal.5th 924, 934–936.) As the California Supreme Court explained in *Rossi v. Brown* (1995) 9 Cal.4th 688: "The people's reserved power of initiative is greater than the power of the legislative body…. [u]nless an initiative measure expressly provides otherwise, an initiative measure may be amended or repealed only by the electorate." (*Id*. at pp. 715–716 [internal citations omitted].) Thus, once Measure A was adopted, the current and all future Huntington Beach City Councils were bound to comply with its terms and lacked authority to alter, amend, or repeal it absent another vote of the people. No legislative action to implement the will of the voters was necessary once Measure A was enacted (and before judgment was entered in this case). (See *id*.)

Because Measure A independently repealed Chapter 2.66 and effectively repealed Resolution No. 2023-41 months before judgment was entered in this case, Petitioners' lawsuit did not result in the "enforcement of an important public right." Nor did it confer a "significant benefit

[4] Petitioners have argued that the Resolution was not repealed by Measure A. However, according to Petitioners' own allegations, the Resolution is merely "a statement of City policy" and it is the Ordinance that "implemented" the challenged actions taken by Respondents. (Petition and Complaint, at p. 3, footnote 2.)

on the public." Instead, the benefit Petitioners identify was achieved through the voters' exercise of their constitutional initiative power before the judgment was entered in this case. Therefore, Petitioners cannot satisfy the requirements of Code of Civil Procedure section 1021.5.

**B. <u>Even If Petitioners Are Entitled to Attorneys' Fees *Arguendo*, the Amount Of Attorneys' Fees Sought Is Unreasonably Inflated And Supports Denying Their Motion For Attorneys' Fees.</u>**

A fee request that appears unreasonably inflated permits the trial court to reduce the award or deny a motion for attorneys' fees. (C*havez v. City of Los Angeles* (2010) 47 Cal.4th 970, 989-991; *Serrano v. Unruh* (1982) 32 Cal.3d 621, 635; *Guillory v. Hill* (2019) 36 Cal.App.5th 802, 805–806). In *Chavez*, the California Supreme Court held that "[a] fee request that appears unreasonably inflated is a special circumstance permitting the trial court to reduce the award or deny one altogether." (*Id*. at pp. 989–991).

Here, the attorneys' fees sought by Petitioners, $1,468,640.31—which equates to a claim of attorneys' fees of $183,580.03 per month in this case—is unreasonably inflated both on its face and as demonstrated by Petitioners problematic billing practices, including pervasive overstaffing, overlapping and duplicative work, vague and block-billed time entries, and extensive billing for clerical and administrative tasks. As such, the Court should deny Petitioners' motion for attorneys' fees based on the case law cited above.

If this Court does not deny Petitioners' motion for attorneys' fees *arguendo*, which this Court should do, then the following matters support reducing Petitioners' legal fees substantially.

***1. Petitioners' Fee Claim Reflects Excessive Overstaffing and Redundant Work.***

Petitioners' request for fees is unreasonable because it reflects ten attorneys performing overlapping and duplicative work on a case that does not warrant such extensive staffing. Courts in California recognize that lodestar fee awards may be reduced for unnecessary, duplicative, or inefficient billing as a result of overstaffing. (*Donahue v. Donahue* (2010) 182 Cal.App.4th 259, 272 [noting that "simultaneous representation by multiple law firms pose[s] substantial risks of task padding, over-conferencing, attorney stacking (multiple attendance by attorneys at the same court

functions), and excessive research”]; *Morris v. Hyundai Motor America* (2019) 41 Cal.App.5th 24, 39 [declining to award fees for six of 11 attorneys where case was “overstaffed to a degree that significant inefficiencies and inflated fees resulted”].) Moreover, federal courts applying the same lodestar framework have held that that fees for intra-office conferences and overlapping participation are properly excluded absent a specific showing of need. (*Welch v. Metropolitan Life Ins. Co.* (9th Cir. 2007) 480 F.3d 942, 949.)

Here, Petitioners seek fees for over 1,300 hours of work spread across ten attorneys from four different firms and organizations.[5] Notwithstanding Petitioners’ so called exercise of “billing judgment” to remove some hours and reduce the rates of private firm attorneys, the sheer number of attorneys and organizations nevertheless resulted in over-conferencing and inefficiency.

Multiple attorneys for Petitioners within and across firms repeatedly billed for the same internal meetings, strategy calls, and drafting sessions, including several instances of same-day, same-task duplication. For instance, on May 28, 2025, attorneys Eliasberg, Markovitz, Kendall, and Rowe seek fees for a combined 14.4 hours of work related to a single ex parte application filed by the City. (Eliasberg Decl. Ex. 2; Kendall Decl. Ex. A.) At least four attorneys billed for “review” of the same ex parte application filed by Respondent, as well as a meeting with co-counsel to discuss that application. (*Ibid*.)

Moreover, the time records of ACLU and CLA attorneys further show that a significant proportion of billing entries were devoted solely to internal and inter-firm communications, with descriptions such as “co-co comms,” “co-counsel call,” “team meeting,” and similar phrases that reflect coordination among lawyers rather than work advancing the substance of the case. (Eliasberg Decl. Ex. 2; Kendall Decl. Ex. A.) Internal communications alone account for more than 40 percent of ACLU’s and CLA’s time entries, and CLA attorneys alone billed more than 300 hours for entries involving conferences, calls, strategy discussions, and internal communications among counsel. (*Ibid*.)

Here, the volume of purely internal communications reflects the administrative

[5] This comes after Petitioners elected not to pursue fees for work performed by at least five other attorneys according to their motion.

inefficiencies inherent in staffing the case with numerous attorneys across four organizations, rather than work reasonably necessary to advance the litigation. These patterns demonstrate not only extensive duplication, but also that the case was staffed internally in a way that multiplied attorney time, further inflating the claimed lodestar.

### ***2. Petitioners Rely on Vague and Block-Billed Time Entries That Preclude Meaningful Review***

While the detailed billing records provided by the ACLU and CLA counsel are indicative of the administrative inefficiencies of coordinating among several firms and attorneys, the billing records from FAC and Jenner & Block counsel suffer from another defect: they are frequently vague, block-billed, or otherwise insufficiently detailed to permit meaningful review.

Courts have held that block-billing, while not objectionable per se, may undermine a court's ability to determine the reasonableness of associated fees, particularly when paired with vague or general descriptions of the work performed. (*Christian Research Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1329 [upholding reduction of fees due to "noncompensable, vague, blockbilled attorney time entries"]; *Mountjoy v. Bank of America, N.A.* (2016) 245 Cal.App.4th 266, 279 [reversing trial court's flawed reduction methodology while affirming that attorneys are not entitled "to premise their request for an attorney fee award on . . . vague descriptions"].) Under such circumstances, courts have deemed across-the-board reductions in fees an appropriate remedy. (*Christian Research Institute, supra*, at p. 1329 ["[C]ounsel may not submit a plethora of noncompensable, vague, blockbilled attorney time entries and expect particularized, individual deletions as the only consequence."].)

Here, the three Jenner attorneys seek compensation for 73.7 hours broadly described as "Writ Petition Briefing and Hearing," without any breakdown identifying dates worked, discrete tasks performed, issues addressed, or each attorney's respective role. (Thomas Decl. ¶ 20.) Such omnibus descriptions obscure whether this time reflects substantive drafting, internal conferencing, duplicative review, or attendance at proceedings that did not materially advance Petitioners' position. Where multiple attorneys bill substantial time under a single, undifferentiated label, the Court is left unable to determine whether the work was reasonably necessary or merely cumulative.

The same deficiency appears in Jenner's claimed 51.2 hours for "Legal/Factual Research" billed by attorneys Crouse and Thomas. (Thomas Decl. ¶ 20.) These entries provide no indication of the specific legal questions researched, whether the research related to dispositive issues, or whether it duplicated work performed by other attorneys. Absent such detail, the Court cannot evaluate whether this research contributed meaningfully to the result obtained, as opposed to reflecting generalized background review or internal preparation.

FAC's billing records reflect similar problems. For example, Mr. Loy seeks 7.2 hours for "participating in calls, emails or other communications with co-counsel on litigation planning and strategy," without identifying the subject matter of those communications, the necessity of multiple participants, or how those discussions advanced Petitioners' claims. (Loy Decl. ¶ 17.) Likewise, Ms. Capetta seeks nearly 54 hours for "Factual investigation" consisting of review of publicly available City documents and legislative proceedings—again without any description of the documents reviewed, issues investigated, or relevance of that work to the relief sought. (*Ibid*. at ¶ 24.)

Taken together, Jenner & Block and FAC's entries exemplify the problem courts have identified with vague and block-billed time: they prevent the Court from determining whether the hours claimed were reasonably necessary to the litigation, or whether they reflect inefficiencies, duplication, or work that did not materially affect the outcome. This lack of clarity warrants an across-the-board reduction because the burden rests squarely on the fee applicant to demonstrate the reasonableness and necessity of the fees sought—not on the opposing party or the Court to infer it through speculation.

***3. Petitioners Improperly Seek Fees for Clerical and Administrative Tasks***

Additionally, Petitioners seek compensation for substantial time devoted not to legal analysis or advocacy, but to clerical, administrative, and filing-related tasks—work that is categorically non-compensable under controlling precedent. The United States Supreme Court has held that "purely clerical or secretarial tasks should not be billed at a paralegal rate, let alone an attorney's rate," because such tasks "are normally considered part of overhead." (*Missouri v. Jenkins* (1989) 491 U.S. 274, 288.) California courts expressly apply this rule: tasks such as calendaring, preparing

proofs of service, formatting and conforming documents, scanning, and other purely clerical work are not recoverable attorney-fee time. (*Save Our Uniquely Rural Community Environment v. County of San Bernardino* (2015) 235 Cal.App.4th 1179, 1187; *Ridgeway v. Wal-Mart Stores Inc.* (N.D. Cal. 2017) 269 F.Supp.3d 975, 991.)

Petitioners' billing records reveal pervasive entries of exactly this kind. For example, Attorney Eliasberg billed for "insert[ing] citations from fee decs" and "send[ing] cover emails," which reflect pasting citations and routine correspondence—not legal analysis. (Eliasberg Decl., Ex. 2, p. 1.) Attorney Markovitz billed for "getting all filings in order," and "preparing lists of all filings [and] figuring out logistics" (7.2 hours), which are classic clerical compilation tasks. (*Ibid.* at p. 5.) Attorney Kendall likewise billed for "assembl[ing] exhibits," "locat[ing] and review[ing] exemplars," "conform[ing] writ and order," "pull[ing]" documents, and "review[ing] final proof for filing" (6.8 hours), while attorney Rowe billed for "review[ing] and proofread[ing] demurrer opp briefing for nits, typos and conduct[ing] cite check" (3.2 hours)—all of which are administrative mechanics of filing and form preparation. (Kendall Decl. Ex. A, pp. 4, 6, 9, 11.) Finally, attorney Thomas's declaration in support of fees sought by Jenner & Block includes "work related to . . . proofing, filing, and service" of various motions. (Thomas Decl. p. 6.)

Courts applying *Jenkins* and *Save Our Uniquely Rural* consistently hold that such administrative tasks are not recoverable. Accordingly, the Court should exclude all such time.

### C. <u>Petitioners' Rates Should Reflect the Work of a State-Court Writ Action, Not Premium Federal Litigation</u>

For purposes of a fee award, "the reasonable hourly rate is that prevailing in the community for *similar work*." (*PLCM Group v. Drexler* (2000) 22 Cal.4th 1084, 1095 [emphasis added]; *Shaffer v. Superior Court* (1995) 33 Cal.App.4th 993, 1002.) In other words, California courts look to the relevant community and the nature of the work actually required, not counsel's most prestigious résumé lines or rates charged in dissimilar matters.

Here, Petitioners seek premium "big firm" complex-litigation rates of up to $1,150 per hour by invoking a slate of federal civil-rights, anti-SLAPP, and class-action fee awards—complex cases that bear little resemblance to this state-court writ of mandate on a discrete administrative record,

with no discovery and no trial. Petitioners' rate expert, Carol Sobel, almost exclusively grounds her opinions in federal district and appellate cases, as well as private-firm commercial and anti-SLAPP matters involving boutique and global firms (e.g. Gaw|Poe, Gibson Dunn). (Sobel Decl. ¶¶ 13–14, 39.) Those comparators concern federal jury trials, class actions, and specialized anti-SLAPP or appellate practices with different procedural frameworks, risks, and market dynamics; they do not establish what lawyers are paid for similar writ work as this case. This approach conflicts with the governing standard, which ties the rate to the local market for similar work—here, state-court writ practice—not to the highest rates awarded in unrelated and more complex litigation.

Given these inapposite comparisons, the Court should discount Petitioners' requested rates substantially and align them with the local state-court market for writ of mandate work—not the distinct markets for federal civil-rights trials, anti-SLAPP litigation, or elite appellate practices on which Petitioners' evidence relies. The market rate for the work performed in this case is less than $750 per hour. (Request for Judicial Notice, Exhibit A: *Immigrant Rights Defense Council, LLC v. Ramirez* (Cal. Ct. App., Oct. 24, 2025, No. B342780) 2025 WL 2992329, at *8, reh'g denied (Nov. 17, 2025) (hourly rate of $750 in writ proceeding unsupported by trial record; prior awards cited involved different cases, trial settings, or multipliers, and did not justify $750 as baseline rate)[filed concurrently herewith].)

**D. <u>Petitioners Are Not Entitled To A Multiplier</u>**

Petitioners' request for a 1.25 multiplier is inappropriate here given that this lawsuit only lasted eight months and focused on the application of State law to city regulations rather than any novel constitutional issues. The proposed hourly rates by Petitioners' attorneys already overstates the work reasonably necessary to obtain the limited relief awarded, and none of the recognized grounds for enhancement has been proven on this record.

Although multipliers are permitted under California fee-shifting statutes like Code of Civil Procedure section 1021.5, they are discretionary and not awarded as a matter of course. (*Save Our Uniquely Rural Community Environment v. County of San Bernardino* (2015) 235 Cal.App.4th 1179, 1187–88 [affirming denial of requested multiplier and upholding significant reduction of fee award under section 1021.5; multipliers are discretionary, not automatic].) Courts may consider

factors such as contingent risk, novelty or complexity of the issues, and the skill and experience of counsel in determining whether an enhancement is warranted. (*Robertson v. Fleetwood Travel Trailers of California, Inc*. (2006) 144 Cal.App.4th 785, 819.) However, such factors must reflect circumstances not already subsumed in the lodestar calculation method. (*Ketchum*, *supra*, 24 Cal.4th at p. 1138.)

Moreover, courts weighing a multiplier against a public entity consider the fact that any award would ultimately be borne by the taxpayers. (*Rey v. Madera Unified School Dist.* (2012) 203 Cal.App.4th 1223, 1240 [citing *Serrano III*, *supra*, 20 Cal.3d at p. 49]; (*Northwest Energetic Services, LLC v. Franchise Tax Bd*. (2008) 159 Cal.App.4th 841, 881 [fact that award would come from taxpayers to private attorneys mitigated against upward adjustment].) Courts therefore exercise restraint in applying multipliers, doing so only upon a showing of exceptional risk, extraordinary skill, or other circumstances beyond those ordinarily present in fee-shifting litigation. (*Center for Biological Diversity v. County of San Bernardino* (2010), 185 Cal.App.4th 866, 899.)

Here, Petitioners have not demonstrated genuine contingency risk warranting a multiplier. "Contingency risk" means an actual market risk of nonpayment for fee-bearing work, not the routine uncertainty all litigants face. Where, as here, salaried public-interest counsel and a large firm staffed the matter within established pro bono programs, there is no showing that counsel faced the kind of market exposure contemplated by the enhancement doctrine, which is designed to approximate what the market would pay for truly risky representations.

Likewise, Petitioners' characterization of routine litigation activity as justification for a multiplier overstates the law. Filing a request for judicial notice, responding to ex parte scheduling requests, or presenting arguments that required careful analysis of a measure are normal aspects of litigation, not exceptional obstacles justifying a lodestar enhancement. (*Stanley v. California State Lottery Comm'n*, 111 Cal.App.4th 1512, 1520 (2003) [multiplier denied where defendant's litigation tactics did not render case unusually difficult or exceptional].) Petitioners have not shown "extraordinary skill" warranting an enhancement. To the contrary, the billing record reflects inefficient staffing, duplication of effort, and questionable billing practices that obstruct meaningful review. Those features are not a basis to enhance fees—to the contrary, they are grounds for

reduction.

Additionally, the record does not establish exceptional difficulty or novelty. That this was an early application of a new statute does not, by itself, make the case novel within the meaning of multiplier jurisprudence. The issues were principally statutory and municipal-law questions resolved on the papers; the matter did not require discovery, evidentiary hearings, or experts. California courts entrust trial judges to assess whether the litigation's actual demands justified anything beyond the lodestar, and the touchstone remains reasonable value for necessary work rather than labels like "first case."

From a practical standpoint, any fees ordered to be paid by the City will be borne by the taxpayers and must be reasonable because the fees will be paid from the City's existing public funds. Imposing an enhanced fee in these circumstances would therefore divert limited municipal resources away from essential public services, a result courts have cautioned against when assessing the propriety of a multiplier.

The cases cited by Petitioners in support of a multiplier are distinguishable from the facts in this case. In *Santana v. FCA US, LLC* (2020) 56 Cal.App.5th 334, the Court affirmed a 2.0 multiplier following a hard-fought Song-Beverly jury trial, extensive discovery, expert testimony, and a contingent-fee representation spanning several years, with counsel advancing significant costs and facing a genuine risk of nonpayment. (*Id*. at pp. 348–353.)

The multiplier in *Center for Biological Diversity supra,* 185 Cal.App.4th at pp. 897–899 of 1.5 arose from a case involving novel and complex CEQA issues, a voluminous administrative record, and years of litigation addressing matters of statewide environmental significance.

Finally, *Lunada Biomedical v. Nunez* (2014) 230 Cal.App.4th 459 involved a class action presenting significant risks and uncertainty, including contested certification issues and a lengthy litigation before resolution of that case. (*Id*. at pp. 488–489.) Here, by contrast, Petitioners litigated discrete questions of law through motion practice and writ briefing without trial, an extensive record, expert discovery, technical complexity, or prolonged evidentiary proceedings, limiting both litigation risk and the need for a multiplier. This lawsuit only lasted eight months and focused on the application of State law to city regulations rather than any novel constitutional issues.

## V. **CONCLUSION**

For the foregoing reasons, Petitioners' motion for attorneys' fees should be denied. Alternatively, should this Court find that Petitioners are entitled to attorneys' fees in some amount *arguendo*, which is not the case, then Petitioners' attorneys' fees must be reduced substantially.

DATED: April 13, 2026

Respectfully submitted,

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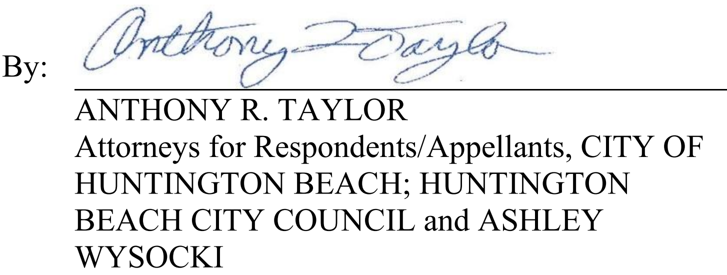
By: 

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## PROOF OF SERVICE

**ALIANZA V. CITY OF HB**
**Case No. 30-2025-01462835-CU-WM-CJC**

**STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Riverside, State of California. My business address is 3550 Vine Street, Suite 200, Riverside, CA 92507.

On April 13, 2026, I served true copies of the following document(s) described as **RESPONDENTS' OPPOSITION TO PETITIONERS' MOTION FOR ATTORNEY FEES** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address pvasquez@awattorneys.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on April 13, 2026, at Riverside, California.

Patricia A. Vasquez

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**SERVICE LIST**
**ALIANZA V. CITY OF HB**
**Case No. 30-2025-01462835-CU-WM-CJC**

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