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JUN 08 2023

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT

In re: the Conservatorship of:

CASE NOs. PR2100161
PR2100162

RONALD WAYNE KELLER,
Conservatee.

ORDER RE: MOTION FOR ATTORNEY'S
FEES PURSUANT TO CODE OF CIVIL
PROCEDURE (CCP) §425.16

In re: the Conservatorship of:

BARBARA LYNN KELLER,
Conservatee.

BACKGROUND

This order is the result of a conservator and his attorney attempting to enjoin parties at variance in a conservatorship case from alleged libel, slander, and harassment. Royce Mendonca is the conservator of Ronald Wayne Keller's estate, and Chris Hamer is his attorney. Sharon Wolff and Steve Wolff, who publish The Rio Dell Times – a local internet-based news media site –, opposed Mr. Mendonca's appointment as conservator. Royce Mendonca and Chris Hamer will be referred to throughout as "Petitioners," and Sharon and Steve Wolff will be referred to throughout as "Respondents."

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1 The dispute regarding appointment of the conservator was somewhat
2 contentious, and Respondents used their media platform and engaged in other
3 activities to assert their displeasure with Petitioners.

4 On August 11, 2022, Petitioners filed a petition in the instant case seeking to
5 enjoin Respondents' activities and an order requiring Respondents to "remove and
6 retract any publications they previously made in any manner, whether orally, by letter,
7 by email, by text, by online posting, or by audio files or articles, any written or oral
8 statements that are false and derogatory about" Petitioners.

9 On September 20, 2022, Respondents filed a special motion to strike Petitioners'
10 petition as a strategic lawsuit against public participation (a so-called "anti-SLAPP
11 motion") pursuant to California Code of Civil Procedure ("CCP") § 425.16. Petitioners
12 dismissed their petition on November 1, 2022. On January 6, 2023, Respondents filed
13 a motion seeking attorney's fees as the prevailing party on the anti-SLAPP motion and
14 attorney's fees for bringing the motion for attorney's fees.

15 **Motion for Attorney's Fees Pursuant to CCP § 425.16**

16 CCP § 425.16(c)(1) states, "a prevailing defendant on a special motion to strike
17 shall be entitled to recover that defendant's attorney's fees and costs." When a
18 petitioner voluntarily dismisses the petition while an anti-SLAPP motion is pending, the
19 Court must determine whether the respondent would have prevailed on its motion
20 before awarding attorney's fees. (*Tourgeman v. Nelson & Kenard* (2014) 222
21 Cal.App.4th 1447, 1457). Anti-SLAPP motions are evaluated through a two-step
22 process. (*Park v. Board of Trustees of California State University* (2017) 2 Cal.5th 1057,
23 1061). First, the moving party bears the burden to establish the challenged causes of
24 action arise out of the moving party's protected activity. (*ibid.*) If the court decides the
25 moving party established the challenged cause(s) of action arise from protected activity,

1 then the court must consider whether the plaintiff has demonstrated a probability of
2 prevailing on the claim. (*Ibid.*)

3 **Protected Activity**

4 CCP §425.16(e)(3) provides,

5 'an act in furtherance of a person's right of petition or free speech under the
6 United States or California Constitution in connection with a public issue'
7 includes . . . any written or oral statement or writing made in a place open to the
8 public or a public forum in connection with an issue of public interest . . .

8 Statements made in newspapers, newsletters sufficiently open to the public,
9 websites accessible to the public, internet message boards, are all public forums under
10 CCP § 425.16(e)(3). (*Summit Bank v. Rogers* (2012) 206 Cal.App.4th 669, 693; *Barrett*
11 *v. Rosenthal* (2006) 40 Cal.4th 33, 41; *McGarry v. University of San Diego* (2007) 154
12 Cal.App.4th 97, 109; *Weinberg v. Feisel* (2003) 110 Cal.App.4th 1122, 1130-1131.)

13 Respondents made statements in their newspaper and in other news outlets and
14 internet websites. The public is able to access these sites. Similarly, publishing articles
15 in their newspaper and sending pieces to other newspapers is protected free speech
16 activity.

17 CCP § 425.16(e)(4) also provides,

18 'an act in furtherance of a person's right of petition or free speech under the
19 United States or California Constitution in connection with a public issue'
20 includes . . . any other conduct in furtherance of the exercise of the constitutional
21 right of petition or the constitutional right of free speech in connection with a
22 public issue or an issue of public interest.

21 While not all of the statements Petitioners complain of are connected with an
22 issue of public interest, the ones concerning Chris Hamer and her activities as a lawyer
23 in connection with the case are of a public interest in that they seek to inform the public
24 about alleged abuses of public court processes designed to protect vulnerable members
25 of the public. The same can be said of the statements regarding the probate

1 proceedings – i.e. using fraudulent documents to effectuate the conservatorship,
2 illegally placing Barbara Keller in a care facility, becoming conservator to steal
3 someone's money, and elder financial fraud and financial abuse.

4 The activities of sending letters to public officials about Chris Hamer and her
5 activities as a lawyer in connection with the case, the abuse of the conservatorship
6 process, and elder and financial abuse are examples of Respondents exercising their
7 right to petition.

8 Petitioner specifically complains of the publication of Petitioners' statements to:

- 9 • Assembly Member Jim Wood;
- 10 • Senator Mike McGuire;
- 11 • Letters to candidates for Humboldt County District Attorney;
- 12 • The North Coast Journal;
- 13 • The Times Standard;
- 14 • Redheaded Blackbelt;
- 15 • Lost Coast Outpost;
- 16 • The District Attorney;
- 17 • To the members of the Humboldt County Board of Supervisors;
- 18 • To state and federal senators and representatives; and
- 19 • Humboldt County Superior Court Judges.

20 Petitioner complains of the following statements made by Respondents:

- 21 1. *Petitioners kidnapped Barbara Keller and are kidnappers.* This statement is not
22 of public interest, as it is accusation of criminal behavior against Petitioners.
- 23 2. *Royce Mendonca is a stranger to the Kellers and became their conservator in*
24 *order to steal their money.* This statement is in the public interest as an abuse of
25 the conservatorship process.
- 26 3. *Chris Hamer used fraudulent documents to get conservatorship over the Kellers*
27 *for Petitioners' mutual financial benefit.* This statement is in the public interest as
28 an abuse of the conservatorship process.

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4. *Chris Hamer illegally used altered documents to get conservatorship over the Kellers for Petitioners' mutual benefit. This statement is in the public interest as an abuse of the conservatorship process.*
5. *Petitioners are guilty of elder financial fraud and elder financial abuse. This statement is in the public interest as an abuse of the conservatorship process.*
6. *Chris Hamer is guilty of professional misconduct. This statement is in the public interest, as Hamer is a prominent local businessperson/attorney.*
7. *Chris Hamer habitually lies. This statement is in the public interest, as Hamer is a prominent local businessperson/attorney.*
8. *Royce Mendonca illegally placed the Kellers in a care facility. This statement is in the public interest as an abuse of the conservatorship process.*
9. *Chris Hamer prays on the vulnerable elderly, the public should be aware of her and lawyers like her, who are the lowest form of human being, and the district attorney should do something about people like her and Royce Mendonca. This statement is in the public interest, as Hamer is a prominent local businessperson/attorney.*
10. *Chris Hamer admitted in court that they have blocked Respondents and their family from contact with Barbara Keller. This statement is not of public interest.*
11. *Royce Mendonca and Chris Hamer took heirlooms from the Kellers' home. This statement is not of public interest.*

The list is not exhaustive according to the petition, but no additional details were provided.

According to this analysis, Respondents have satisfied the first prong because they used public forums to complain about issues of public interest. However,

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1 Respondents may not have prevailed on other of their claims, potentially limiting the
2 exposure of Petitioners.

3 **Probability of Success**

4 Petitioners cannot establish a reasonable probability of success on their claims.
5 The Petitioners did not have standing to bring the petition in the conservatorship matter
6 of either Ronald Wayne, nor Barbara Lynn Keller (the Kellers). Petitioners seek
7 preliminary and permanent injunctions restraining Respondents from engaging in libel,
8 slander, and harassment against Petitioners.

9 In their *Opposition to Motion for Attorney Fees*, Petitioners admit they dismissed
10 the petition in response to the Court's comment "that Petitioners should have brought
11 their petition as an independent civil action rather than as a petition on the
12 Conservatorship proceedings." The Court pierced the heart of the matter: Petitioners
13 lacked standing to bring their claims against Respondents through the conservatorship
14 action.

15 According to CCP § 367, "[e]very action must be prosecuted in the name of the
16 real party in interest, except as otherwise provided by statute." "Generally, the person
17 or entity possessing the right sued upon is the real party in interest." (*Arnolds*
18 *Management Corp. v. Eischen* (1984) 158 Cal.App.3d 575, 581.) A plaintiff that is not a
19 real party in interest lacks standing to sue. (*Powers v. Ashton* (1975) 45 Cal.App.3d
20 783.)

21 The August 11, 2022, petition is titled: *Petition for Preliminary Injunction and*
22 *Permanent Injunction, Restraining Sharon Wolff and Steve Wolff from Libel, Slander*
23 *and Harassment of Conservator and his Attorney*. The title and contents of the petition
24 reveal that Petitioners were those alleged to have been damaged by the alleged
25 activities of Respondents, not the Kellers. The libel, defamation, and harassment

1 alleged was not directed at the Kellers; it was allegedly directed at Petitioners. Because
2 it was directed at Petitioners, it was Petitioners that possessed the right to sue, not the
3 Kellers.

4 Additionally, the parties do not have third-party standing to initiate their petition.

5 Third-party standing requires:

- 6 1. The party suffers a distinct and palpable injury in fact that gives the party a
7 concrete interest in the outcome of the dispute;
- 8 2. The party has a close relationship to the third party such that they share a
9 common interest; and
3. There is some hindrance to the third-party's ability to protect the third party's own
 interests.

10 (*Brenner v. Universal Health Servs. Of Rancho Springs, Inc.* (2017) 12 CA5th 589, 605.)

11 It could be said that the Kellers suffer from some of the statements made about
12 them in the context of the conservatorship. Further, there is some dispute about the
13 closeness of Royce Mendonca to the Kellers, but, as Mendonca is the conservator, it
14 might be said he has a close relationship with the Kellers such that they share a
15 common interest. I suppose the same could be said for Chris Hamer, though her
16 relationship with the Kellers as Royce Mendonca's attorney is likely not the sort of close
17 relationship contemplated. However, there is no information that either Chris Hamer or
18 Royce Mendonca are hindered in bringing a suit for defamation, or for injunctive relief,
19 against Respondents on their own and in the proper forum.

20 Based on the foregoing analysis and the consideration and analysis of the
21 pleadings, and supporting and opposing filings, the Court finds that Respondents would
22 have prevailed on their anti-SLAPP motion and are entitled to attorney's fees and costs
23 pursuant to CCP § 425.16(c).

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1 of Mastagni, Holstedt & Chiurazzi (2006) 141 Cal.App.4th 15, 21; Lafayette Morehouse,
2 Inc. v. Chronicle Publishing Co. (1995) 39 Cal.App.4th 1379, 1383.)

3 **Hourly Rate Claimed**

4 The trial court is in the best position to value the services rendered by the
5 attorneys in his or her courtroom, and this includes the determination of the hourly rate
6 that will be used in the lodestar calculus. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122,
7 1132; *Syers Properties III, Inc. v. Rankin* (2014) 226 Cal.App.4th 691, 700–703.) In
8 making its calculation, the Court may rely on its own knowledge and familiarity with the
9 legal market, as well as the experience, skill, and reputation of the attorney requesting
10 fees, the difficulty or complexity of the litigation to which that skill was applied, and
11 affidavits from other attorneys regarding prevailing fees in the community and rate
12 determinations in other cases. (*Heritage Pacific Financial, LLC v. Monroy* (2013) 215
13 Cal.App.4th 972, 1009; *Syers Properties III, Inc. v. Rankin, supra*, at 700; *Moreno v.*
14 *City of Sacramento* (9th Cir. 2008) 534 F.3d 1106, 1114.)

15 In this case, Petitioners were represented by a seasoned attorney who had been
16 practicing law for 40 years. She charges \$350.00 an hour. In addition, Respondents'
17 counsel provided no information to determine whether his \$750.00 hourly rate
18 represented a prevailing fee in Humboldt County, or in his home market of Sacramento.
19 Instead, he declares that his rate should be considered the local market rate. There is
20 no question, from Respondents' counsel's declaration laying out his qualifications, that
21 he is also a seasoned attorney who is an expert in First Amendment Law. The Court
22 takes this expertise into consideration. However, this litigation did not end up being
23 particularly difficult or complex. It actually turned on a rather mundane issue – whether
24 Petitioner had third-party standing to bring their claims. The Court noted a potential

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1 issue with the parties bringing the litigation through the conservatorship earlier on during
2 the proceedings. In other words, (the fact) that there was an issue was obvious.

3 The issue, however, could be said to be novel. Presenting third-party defamation
4 claims through a probate matter does seem novel. It is worth noting that Respondents'
5 counsel only conducted about 9.5 hours of research to bring the motion, and that was
6 inclusive of all research needs. Also, the motion and litigation has not lasted a year, and
7 indeed Respondents' counsel worked on the issue from the end of August of 2022 to
8 the beginning of November of 2022. Another relevant point is that Respondents'
9 counsel told Respondents that based on his experience, Petitioners would likely
10 withdraw their petition once he filed the anti-SLAPP motion. That is exactly what
11 happened. His analysis reflects both his competence/expertise and also his
12 understanding that this would not be a protracted or complex situation. Finally,
13 Respondents' counsel presents a declaration from his clients attesting to the fact that
14 they were unable to hire local counsel. They perceived this to be because of the
15 reputation of Plaintiffs' counsel to engage in scorched earth tactics and the complexity
16 of the situation.

17 Based on this enhanced analysis, the Court will split the difference between the
18 two numbers. Setting the rate at \$500.00 provides more than what a seasoned local
19 attorney would garner in Humboldt County and so compensates Respondents' counsel
20 for his expertise. However, it also recognizes that Respondents' counsel's assertion
21 that his rate is the local rate, without reference to any other information, is
22 unsustainable.

23 **Total Hours Claimed**

24 A fee award under the anti-SLAPP statute may not include matters unrelated to
25 the anti-SLAPP motion, such as "attacking service of process, preparing and revising an

1 answer to the complaint, [or] summary judgment research.” (*Christian Research*
2 *Institute v. Alnor* (2008) 165 Cal.App.4th 1315, 1325.) Similarly, the fee award should
3 not include fees for “obtaining the docket at the inception of the case” or “attending the
4 trial court’s mandatory case management conference” because such fees “would have
5 been incurred whether or not [the defendant] filed the motion to strike.” (*Ibid.*) In short,
6 the award of fees is designed to “reimburs[e] the prevailing defendant for expenses
7 incurred *in extracting* herself from a baseless lawsuit” rather than to reimburse the
8 defendant for all expenses incurred *in* the baseless lawsuit. (*Wanland v. Law Offices of*
9 *Mastagni, Holsdtedt & Chiurazzi, supra*, 141 Cal.App.4th at 22 (*emphasis added*).)

10 A “trial court is not bound to accept the evidence submitted by counsel when
11 making its determination . . . and may reduce the hours if it concludes the attorneys
12 performed work unrelated to the anti-SLAPP motion, or represented work that was
13 unnecessary or duplicative or excessive in light of the issues fairly presented.” (569
14 *East County Boulevard LLC v. Backcountry Against the Dump, Inc., supra*, 6
15 Cal.App.5th at 433.) Ultimately, if the Court “is concerned that a particular award is
16 excessive, it has broad discretion to adjust the fee downward or deny an unreasonable
17 fee altogether.” (*Ketchum v. Moses, supra*, 24 Cal.4th at 1138.) However, counsel’s
18 verified time records are to be provided a presumption of credibility, and disregarding
19 them completely is an abuse of discretion. (*Horsford v. Board of Trustees of California*
20 *State University* (2005) 132 Cal.App.4th 359, 396-397.)

21 The Court has reviewed the records provided by Respondents’ counsel and finds
22 them credible, with a minor exception noted below. For the bulk of the credible records,
23 the largest charges, in terms of time spent, were for drafting the anti-SLAPP motion at
24 almost forty hours and reviewing Petitioners’ original petition at eighteen hours. Forty
25 hours does seem like a lot of time to spend on a single motion, especially considering

1 that it was not particularly complex. Counsel is representing that he spent essentially
2 one whole work week drafting this nine-page motion and the supporting documents. He
3 is also stating it took him a half of a week's worth of work to simply review the initial
4 petition. However, in counsel's defense, there are two separate matters, and he would
5 need to spend additional time to ensure that there were not two legal theories, or
6 different allegations made in each petition.

7 Reviewing the records provided by Respondents' counsel, however, does reveal
8 some minor discrepancies. Counsel's records provide multiple entries for the dates of
9 September 20, 22, 25, and 26, 2022. The Court considers these entries duplicative and
10 aggregates the duplicative entries to account for a total of 106 minutes that will be
11 deducted from the total claimed by Respondents' counsel.

12 Respondents' counsel asks for a total of 5,645 minutes, or 94.08 hours. The
13 Court decides the total time reasonably spent on the motion was 5,539 minutes, or
14 90.55 hours.

15 **Respondents' Counsel's Request for a Fee Multiplier**

16 It has long been recognized that the contingent and deferred nature of the fee
17 award in a civil rights or other case with statutory attorney fees requires that the fee be
18 adjusted in some manner to reflect the fact that the fair market value of legal services
19 provided on that basis is greater than the equivalent non-contingent hourly
20 rate. (*Ketchum v. Moses, supra*, 24 Cal.4th at 1132–1133.) "A lawyer who both bears
21 the risk of not being paid and provides legal services is not receiving the fair market
22 value of his work if he is paid only for the second of these functions. If he is paid no
23 more, competent counsel will be reluctant to accept fee award cases." (*Id.* at
24 1133 [quoting with approval from Leubsdorf, *The Contingency Factor in Attorney Fee*
25 *Awards* (1981) 90 Yale L.J. 473, 480.]) The contingency adjustment may be made at

1 the lodestar phase of the Court's calculation or by applying a multiplier to the non-
2 contingency lodestar calculation (but not both). (*Ketchum v. Moses, supra*, 24 Cal.4th at
3 1133–1134.)

4 The basis for the trial court's calculation must be the actual hours that counsel
5 has devoted to the case, less those that result from inefficient or duplicative use of time.
6 (*Id.* at 1133.) Then the court must adjust the resulting fee to fulfill the statutory purpose
7 of bringing “the financial incentives for attorneys enforcing important constitutional rights
8 ... into line with incentives they have to undertake claims for which they are paid on a
9 fee-for-service basis.” (*Id.* at 1132.)

10 “[T]he trial court is not *required* to include a fee enhancement to the basic
11 lodestar figure for contingent risk, exceptional skill, or other factors, although it retains
12 discretion to do so in the appropriate case; moreover, the party seeking a fee
13 enhancement bears the burden of proof.” (*Id.* at 1138.) We emphasize that when
14 determining the appropriate enhancement, a trial court should not consider these
15 factors to the extent they are already encompassed within the lodestar. The factor of
16 extraordinary skill, in particular, appears susceptible to improper double counting; for
17 the most part, the difficulty of a legal question and the quality of representation are
18 already encompassed in the lodestar. (*Ibid.*)

19 In *Ketchum*, the Court identified four factors to analyze when considering
20 a multiplier. (*Id.* at 1132.) Those factors are:

- 21 1. The novelty and difficulty of the questions involved;
- 22 2. The skill displayed in presenting them;
- 23 3. The extent to which the nature of the litigation precluded other employment by the
attorneys; and
- 24 4. The contingent nature of the fee award.

25 (*Ibid.*)

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1 Attorneys making themselves unavailable for court/trial and the amount to which
2 an opponent engaged in "scorched earth" tactics can also be considered. (*Warran v. Kia*
3 *Motors America, Inc.* (2018) 30 Cal.App.5th 24, 41.)

4 In its discussion of the fee multiplier, the court in *Horsford* stated:

5 the market value of the services provided by plaintiffs' counsel in a case of this
6 magnitude must take into consideration that any compensation has been
7 deferred for up to four years from the time an hourly fee attorney would begin
8 collecting fees from his or her client; that the demands of the present case
9 substantially precluded other work during that extended period, which makes
10 the ultimate risk of not obtaining fees all the greater (since the attorneys must
11 use savings or incur debt to keep their offices afloat and their families fed during
12 the years-long litigation); and that a failure to fully compensate for the enormous
13 risk in bringing even a wholly meritorious case would effectively immunize large
14 or politically powerful defendants from being held to answer for constitutional
15 deprivations, resulting in harm to the public. (We refer to these factors below as
16 "contingency and delay" factors.)

17 (*Horsford v. Board of Trustees of California State University, supra*, 132
18 Cal.App.4th at 399–400.)

19 As previously analyzed, Respondents' attorney did take the case on a contingent
20 fee basis. Anti-SLAPP motions are difficult in general, but this one did not seem overly
21 complicated; there was some novelty in that the SLAPP was brought as a petition in a
22 conservatorship case. However, the notion that there was a problem with bringing the
23 petition within the conservatorship was patent – the Court hinted at the problem very
24 early on in the proceedings. In addition, Respondents' counsel's skill and expertise have
25 already been considered under the hourly fee rubric, so they should not be considered
under the multiplier rubric.

These matters lasted about two-and-a-half months and represent about 100
hours of work. One month provides the opportunity for an average of about 160 hours of
work. So, total, Respondents' counsel could have worked somewhere around 400 hours
(160+160+80 = 400.) This represents one-fourth of the total opportunity for work and did
not preclude Respondents' counsel from other work (it should be noted that in *Ketchum*

1 and *Horsford*, cited above, both involved years long litigation.) It does not seem work on
2 this matter substantially interfered with Respondents' counsel's ability to obtain or
3 perform other work. Finally, Petitioners' counsel stipulated to a continuance for
4 Respondents' counsel to present his motion, and rather than opposing the anti-SLAPP
5 motion and dragging the litigation out, Petitioner almost immediately withdrew the
6 petition. These are hardly scorched earth tactics.

7 The Court denies Respondents' counsel's request for a multiplier.

8 **Respondents' "Fees on Fees" Request**

9 An award of attorney fees to a prevailing defendant on an anti-SLAPP motion
10 properly includes attorney fees incurred to litigate the special motion to strike plus the
11 fees incurred in connection with litigating the fee award itself (the fees on fees).

12 (*Wanland v. Law Offices of Mastagni, Holsdtedt & Chiurazzi, supra*, 141 Cal.App.4th at
13 21.)

14 The Court finds the total time of 877 minutes, or 14.62 hours, is reasonable for
15 the fee motion and adopts the \$500.00 hourly rate on the basis of the reasoning
16 provided above. Therefore, the total award for the Fees on Fees motion is \$7,305.47
17 (\$500.00 per hour – or \$8.33 per minute – multiplied by 877 minutes = \$7,305.47.)

18 As Petitioners are the real parties in interest, it is they who should bear the cost
19 of attorney's fees for bringing the motion.

20 **Findings and Orders**

21 The Court incorporates its reasoning above and finds the following:

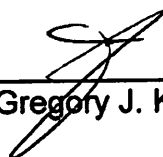
- 22 1. Respondents would have prevailed on their anti-SLAPP motion.
- 23 2. Respondents are entitled to attorney's fees.
- 24 3. The reasonable hourly rate for Respondents' counsel is \$500.00.

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- 1 4. The reasonable amount of time spent by Respondents' counsel on the motion is
- 2 5,539 minutes.
- 3 5. Respondents' counsel is not entitled to a fee multiplier.
- 4 6. $\$500.00/60$ (minutes) = $\$8.33$ per minute.
- 5 7. $\$8.33$ multiplied by 5,539 equals $\$46,139.87$.
- 6 8. Respondents' counsel is entitled to attorney's fees for the attorney's fees motion.
- 7 9. The reasonable rate for Respondents' counsel on the fee motion is $\$500.00$ per
- 8 hour, or $\$8.33$ per minute.
- 9 10. The reasonable amount of time spent by Respondents' counsel on the fee
- 10 motion is 877 minutes.
- 11 11. $\$8.33$ multiplied by 877 equals $\$7,305.47$.
- 12 12. $\$7,305.47$ plus $\$46,139.87$ equals $\$53,445.34$.
- 13 13. Petitioners Royce Mendonca and Chris Hamer are the real parties in interest and
- 14 are jointly and severally liable for the attorney's fees owed to Respondents'
- 15 counsel.
- 16 14. Neither Ronald Wayne nor Barbara Lynn Keller, nor their estate, are liable for the
- 17 attorney's fees ordered by this motion.

18
19 THEREFORE, the Court ORDERS Royce Mendonca and Chris Hamer, jointly
20 and severally, to pay Nicholas P. Boylan $\$53,445.34$ in attorney's fees.

21
22 Dated: June 7, 2023

23 
Gregory J. Kreis, Judge of the Superior Court

PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, a resident of the County of Humboldt, State of California, and not a party to the within action; that my business address is Humboldt County Courthouse, 825 5th St., Eureka, California, 95501; that I served a true copy of the attached ORDER RE: MOTION FOR ATTORNEY'S FEES PURSUANT TO CODE OF CIVIL PROCEDURE (CCP) §425.16 by placing said copies in the attorney's mail delivery box in the Court Operations Office at Eureka, California on the date indicated below, or by placing said copies in envelope(s) and then placing the envelope(s) for collection and mailing on the date indicated below following our ordinary business practices. I am readily familiar with this business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service at Eureka, California in a sealed envelope with postage prepaid. These copies were addressed to:

Paul Boylan, PO Box 719, Davis, CA 95617

Chris Hamer, Court Operations Box #4

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

Executed on the 8 day of June 2023, at the City of Eureka, California.

Meara C. Hattan, Clerk of the Court

By 
Deputy Clerk