

Taylor Ramirez

By:
Taylor Ramirez
Deputy Clerk

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF MENDOCINO**

10 MENDOCINO RAILWAY,
11 Plaintiff,

12 vs.

13 JOHN MEYER; REDWOOD EMPIRE
TITLE COMPANY OF MENDOCINO
14 COUNTY; SHEPPARD
INVESTMENTS; MARYELLEN
15 SHEPPARD; MENDOCINO COUNTY
TREASURER-TAX COLLECTOR; all
16 other persons unknown claiming an
interest in the property; and DOES 1
17 through 100, inclusive

18 Defendants.

) Unlimited

) Case No. SCUJ-CVED 20-74939

) DECLARATION OF BRIAN C. CARTER
IN SUPPORT OF MOTION FOR
AWARD OF REASONABLE
ATTORNEY FEES AND COSTS
PURSUANT TO CCP § 1268.610

) Date: August 18, 2023

) Time: 9:30 am

) Dept: E

) Judge: Honorable Jeanine B. Nadel

19
20 I, Brian C. Carter, declare:

21 The following matters are of my own personal knowledge and if called to testify as
22 a witness I can testify competently thereto:

23 1. I am currently a partner in the law firm of Carter Rich PC, located in Ukiah,
24 California. I am admitted to the practice of law before the Courts of the State of
25 California.

26 2. I graduated from UC Davis School of Law King Hall in Davis, California, and I
27 was admitted to the California State Bar on March 3, 1989.

1 3. My legal practice generally includes, but is not limited to, civil litigation
2 involving real property, trust litigation, and business related issues. As a result of my
3 litigation background, and my work on attorneys fee matters for my own and other law
4 firms, I am familiar with the prevailing market rates for skilled and competent attorneys
5 in the Mendocino County legal community.

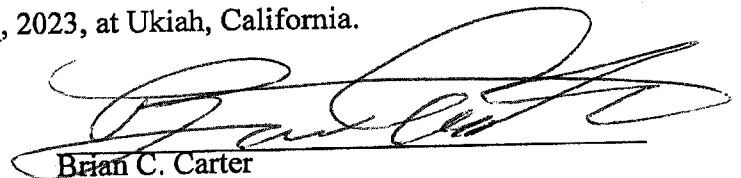
6 4. I charge my clients \$400 per hour for litigation related services, and I believe
7 that such a rate is consistent with the rates charged by comparable attorneys in Mendocino
8 County.

9 5. My firm's billing rates are charged to, and paid by, fee-paying clients of our
10 firm and by court awards and settlements, and our fees are paid by the hour on a regular
11 billing basis.

12 6. I have had numerous cases against parties that were represented by Stephen
13 Johnson, and he is a competent and respected litigation attorney. Mr. Johnson's attorney
14 fee rate of \$350 per hour is relatively low, especially given his significant experience and
15 the complex nature of this eminent domain litigation.

16 7. By obtaining complete success defendant John Meyer and his attorneys have
17 performed a great public service. Without such a successful action, other landowners
18 may have had their property wrongfully taken through an eminent domain action, thereby
19 being deprived of valuable protections afforded by the law. In my opinion, the award of
20 reasonable attorney fees and costs should recognize the important and broader
21 consequences of the results of Meyer and his attorneys' hard work.

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 document was executed on July 10, 2023, at Ukiah, California.

24
25 
26 Brian C. Carter