

By:  
Taylor Ramirez  
Deputy Clerk



1 JAMES F. KING, SBN 41219  
STEPHEN F. JOHNSON, SBN 205244  
2 MICHAELYN P. WIPF, SBN 300428  
MANNON, KING, JOHNSON & WIPF, LLP  
3 200 North School Street, Suite 304  
Post Office Box 419  
4 Ukiah, California 95482  
Telephone: (707) 468-9151  
5 Facsimile: (707) 468-0284

6 Attorneys for Defendant John Meyer

7  
8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF MENDOCINO**

11 MENDOCINO RAILWAY,  
12 Plaintiff,

13 vs.

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

18 Defendants.

) Unlimited

) Case No. SCUK-CVED 20-74939

) DECLARATION OF THOMAS S.  
BRIGHAM IN SUPPORT OF MOTION  
FOR AWARD OF REASONABLE  
19 ATTORNEY FEES AND COSTS  
PURSUANT TO CCP § 1268.610

) Date: August 18, 2023

) Time: 9:30 am

) Dept: E

) Judge: Honorable Jeanine B. Nadel

20 I, Thomas S. Brigham, 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 a sole practitioner in Ukiah, California. I am admitted to the practice of  
24 law before the Courts of the State of California.

25 2. I graduated from George Washington Law School in Washington DC, and I  
26 was admitted to the California State Bar on January 15, 1970.

27 3. My legal practice generally includes, but is not limited to, civil litigation  
28

1 involving real property, trust litigation, and business related issues. As a result of my  
2 litigation background, and my work on attorneys fee matters for my own and other law  
3 firms, I am familiar with the prevailing market rates for skilled and competent attorneys  
4 in the Mendocino County legal community.

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

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

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

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

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

23  
24   
25 Thomas S. Brigham