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8 Attorneys for Petitioner/Plaintiff
9 Friends of Chanate

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

11 FRIENDS OF CHANATE,

12 Petitioner and
13 Plaintiff,

14 and

15 COUNTY OF SONOMA,

16 Respondent and
17 Defendant,

18 CHANATE COMMUNITY DEVELOPMENT
19 PARTNERS, LLC,

20 Real Party in Interest.

ENDORSED
FILED

DEC 12 2017

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

CASE NO. SCV 261103

DECLARATION OF NOREEN M. EVANS,
ESQ. IN SUPPORT OF MOTION TO SET
REASONABLE COST OF PREPARING
ADMINISTRATIVE RECORD

Date: FEB 07 2018
Time: 3:00 PM
Dept: 18

Complaint Filed: August 9, 2017
Trial Date: None

21 I Noreen M. Evans, declare:

22 1. The following matters are of my own personal knowledge and, if called to testify as a witness, I
23 can testify competently thereto.

24 2. I am an attorney at law, duly admitted to practice before all of the courts in the State of
25 California and am one of the attorneys of record for Petitioner FRIENDS OF CHANATE. The Petition
26 in this matter was filed on August 9, 2017 and served on the County on August 10, 2017. It states
27 causes of action under the California Environmental Quality Act, the Brown Act, and the California
28 Constitution.

1 3. The County maintains its agendas, public notices, and minutes on its public website. The
2 County further maintains a public website devoted exclusively to the Chanate project, at
3 <http://sonomacounty.ca.gov/General-Services/Facilities-Development-and-Management/Chanate-Complex/>. This website
4 includes all of the relevant documents including appraisal reports, Geological Fault Hazard Summary
5 and other technical reports, the RFP and all responses thereto, the DDA and all attachments, documents
6 related to the County's outreach meetings, including questions and answers, and many other relevant
7 documents.

8 4. The County has not prepared an EIR or an Initial Study for the Chanate project, nor has the
9 County prepared any of the technical studies that would ordinarily be required by CEQA such as a
10 traffic study, groundwater study, or inventory of endangered species. The County has not accepted
11 public comment or held the public hearings called for by CEQA.

12 5. Petitioner, County Counsel, and attorney for RPI met on September 28, 2017. At that time,
13 County Counsel represented to Petitioner that the County searched all of its files from all of its
14 departments for any document containing the word "Chanate" and had discovered 18GB of material, or
15 over 1 million pages. Petitioner offered to review a list of the documents in the County's possession in
16 order to help exclude extraneous documents and thereby reduce the size of the potential AR and reduce
17 costs of preparing the AR. The County did not respond at that time to our offer.

18 6. Petitioner has granted the County of Sonoma three extensions of time totaling 150 days to
19 prepare the Administrative Record ("AR") in this case.

20 7. On September 5, 2017, the parties stipulated to preparation of an electronic AR in order to
21 reduce costs.

22 8. On November 21, 2017, the day before the Thanksgiving holiday, County Counsel emailed
23 me a letter dated November 20, 2017, advising Petitioner that the County had reduced the size of the
24 universe of potential documents for inclusion in the AR to 8 GB or 800,000 pages, that preparing the
25 AR would cost a minimum of \$50,000 and requesting payment within 5 business days, on December 1,
26 2017. County Counsel attached a breakdown of costs, reflecting that preparation of transcripts of
27 hearing would cost \$12,000, leaving \$38,000 for preparation of the AR. (Ex. 1.) The County is
28 charging \$90 per hour or \$125 per hour for preparation of the AR, depending on which staff was doing

1 the work. (Ex. 1.) The average hourly rate charged by the County is \$107.50. Doing the math and
2 dividing \$38,000 by \$107.50, it appears that the County anticipates that preparation of the AR will
3 require more than 10 full weeks of full time staff work at 35 hours per week.

4 9. By email on November 27, 2017, I asked County Counsel to provide more detail to support
5 the County's estimate of a minimum of \$50,000 to prepare the AR. County Counsel provided no new
6 information. Instead, County Counsel provided the same breakdown of tasks it had provided with its
7 letter of November 20, 2017, plus an email from its court reporter. (Ex. 3.)

8 10. Petitioner has offered to prepare the AR itself, subject to the County's review and
9 certification. Petitioner further offered to waive transcript of the public hearings held by the County.
10 County Counsel never responded. The County has refused these reasonable offers to expedite
11 preparation of the AR and to reduce the cost of preparing the AR.

12 11. On December 5, 2017, Ashle Crocker of the County Counsel's office, Tina Wallis, attorney
13 for RPI, and I participated in a lengthy conference call to meet and confer regarding preparation of the
14 AR. The County and RPI represented to me that they have reduced the record to between 360,000-
15 700,000, most of which is a large volume of duplicative County department staff emails plus
16 attachments. The County made no effort to define the relevance of these duplicative County department
17 staff emails to the issues before the Court. RPI represented to Petitioner that these duplicative emails
18 fell within the "catchall" provisions of PRC section 21167.6. The County rejected our renewed offer to
19 prepare the AR subject to the County's review. The County again refused to provide me with a list of
20 the documents it believes are necessary for inclusion in the AR, saying that production of such a list
21 would drive up the cost of preparing the AR.

22 12. The County uses Redwood Litigation Services. According to Redwood Litigation Service's
23 charge sheet, they charge \$4.55 per page for an original transcript and one copy. An appearance fee is
24 \$75 for ½ day and \$150 for a full day (Ex. 2). An original and one copy of a transcript costs \$4.55 per
25 page. (Ex. 2.) Based on my 35 years of experience as a litigator, having participated in and read
26 thousands of depositions and deposition transcripts, on average, an hour of testimony should typically
27 produce roughly 50 pages of transcript. Therefore, 9 hours of public hearing should produce
28 approximately 450 pages of transcript. At \$4.55 per page, 450 pages of transcript cost \$2,047.50. The

1 cost should not exceed \$2,047.50 to prepare all transcripts. Dividing Redwood's charge of \$4.55 per
2 page into \$11,000 gives us a total of 2,417 pages of transcript, far in excess of the 450 pages on average
3 normally expected to result from transcribing 9 hours of testimony. The County's estimate of \$11,000
4 to prepare transcripts works out to \$24.44 per page.

5 13. Petitioner has offered to waive the transcripts in this case, which the County refuses to do.

6 14. I estimate that I have spent 10 hours preparing this motion with supporting declarations and
7 exhibits. I anticipate that I will spend another 10 hours reading the County's opposition, preparing a
8 reply brief, and arguing the matter. My hourly rate on this matter is \$375. Our paralegal has also spent
9 12 hours at a rate of \$65 per hour for a total of \$780. Petitioner's estimated attorney's fees for this
10 motion total \$8,280.

11 15. Attached hereto are true and correct copies of the following exhibits:

12 EXHIBIT 1: Letter dated November 21, 2017 from County Counsel, which was emailed to me
13 on November 22, 2017.

14 EXHIBIT 2: 2017 Rate Schedule from Redwood Litigation Services, a court reporting service
15 which is located in Santa Rosa, CA and which I commonly use.

16 EXHIBIT 3: Email from Redwood Litigation Services to County of Sonoma

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

19 Dated: December 12, 2017

Noreen M. Evans
Noreen M. Evans
Attorney for Petitioner and Plaintiff Friends of
Chanate

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HOLLY RICKETT ASHLE CROCKER
VERNE BALL TASHAWN SANDERS
IAN TRUEBLOOD ADAM RADTKE
ADAM BRAND JESSICA MULLAN
ELIZABETH COLEMAN WITH

November 21, 2017

Sent via email

Noreen Evans
O'Brien Watters & Davis, LLP
3510 Unocal Place, Suite 200
Santa Rosa, CA 95402

Re: *Friends of Chanate v. County of Sonoma* (Case No. 261103)
Request for Deposit for Preparation of Administrative Record

Dear Ms. Evans:

On August 9, 2017, Petitioner filed its "Request for Preparation of Record of Proceedings," ("Record Request") wherein Petitioner requested that the County prepare the administrative record in the above-referenced action. On September 6, 2017, the parties stipulated to Real Party preparing the record, subject to the County's review and certification of the final record.

Pursuant to Petitioner's Record Request, and consistent with CEQA statutes and case law, Petitioner has agreed to pay the costs to prepare the record "upon notice of the estimated costs of preparation." (Record Notice, p. 2; Code Civ. Proc. § 1094.5, subd. (a); Pub. Resources Code § 21167.6, subd. (b)(1); *Black Historical Society v. City of San Diego* (2005) 134 Cal.App.4th 670, 677-678.)

The County hereby provides Petitioner with notice that the cost to prepare the administrative record is estimated to be \$50,000. The County requests that Petitioner pay such amount on or before December 1, 2017.

The estimated cost for record preparation is based upon the following, and assumes the size of the record is approximately 800,000 pages (10 gigabytes of data):

TASK	ESTIMATED COST
Gathering documents from all County Departments involved in Chanate Litigation	\$8,500
Pre-culling data received from County departments (approximately 20 gigabytes) using de-duplication (to reduce data to	\$5,500

EXHIBIT 1

TASK	ESTIMATED COST
approximately 10 gigabytes), date filter and file filter; file conversion; promotion of native files to Relativity program; email threading, clustering, near-duplication identification, conceptual categorization of documents	
Reviewing documents (reduced to approximately 10 gigabytes of data) for attorney client and other privilege	\$10,000
Preparing transcripts of all relevant Board of Supervisors hearings	\$11,000
Preparing administrative record (organize per CEQA rules, Bates stamp, copy and prepare for lodging)	\$12,500
Reviewing administrative record for accuracy and certifying for lodging	\$2,500
TOTAL ESTIMATE	\$50,000 *

* This is an estimate and is not to be considered a "not to exceed" amount. The actual cost to prepare the administrative record may exceed this estimate, in which case the County will supplement this request.

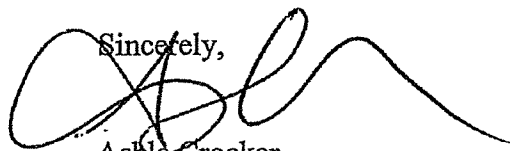
We note, however, that the above estimate is subject to change pending the Court's ruling on Respondent and Real Party's joint motion to dismiss Petitioner's CEQA claim. As stated in the motion to dismiss, Petitioner's failure to timely request a hearing requires dismissal of the CEQA cause of action. Assuming the Court dismisses the CEQA cause of action, the cost to prepare the administrative record for Petitioner's remaining claims would likely be reduced.

Due to the current uncertainty regarding Petitioner's CEQA claim and the resultant uncertainty regarding the size and scope of the record, we suggest the parties stipulate to stay or extend time for record preparation pending the Court's ruling on the motion to dismiss.

For future filings, please update Petitioner's proof of service to include County Counsel.

Please contact me with any questions or concerns.

Sincerely,



Ashlie Crocker
Deputy County Counsel

cc: Tina Wallis



Litigation
SERVICES

Discovery | Depositions | Trial

2017 Rate Schedule - Santa Rosa

(Sonoma and Napa Counties)

Deposition Transcripts:

Original & 1 Copy	\$4.55 per page
Original & 1 Copy – Expert / Technical	\$5.00 per page
Original & 2 Copies	\$6.90 per page
Original & 2 Copies – Expert / Technical	\$7.45 per page
Copy	\$2.65 per page
Copy - Expert / Technical	\$2.85 Per page

Transcript Minimums:

Original and 1 Copy	\$145.00
Original and 2 Copies – Workers' Comp	\$250.00
Original and 2 Copies – Technical	\$275.00
Copy – Transcript Minimum	\$95.00

**For pricing on meetings, hearings, trials, arbitrations, hold notes and conference rooms, please ask your local contact.*

Appearance Fees:

Half / Full Day	\$75.00 / \$150.00
Late Cancellation / Nonappearance	\$225.00
Certificate of Non-Appearance	\$250.00
Evening / Early AM (Before 8 am, After 5 pm)	\$50.00 per hour + Per Diem
Wait Time	\$55.00 per hour
Saturday / Sunday (Hourly)	\$95.00 per hour + Per Diem

Other Services:

Real-time Hookup	\$75.00 + \$1.50 per page
Rough	\$1.25 per page
Exhibits (B/W)	\$.39 per page
Exhibits (Color)	\$1.25 per page
Digital Litigation Package	\$50.00 per witness
Read and Sign	\$25.00 per witness
Shipping & Handling / Expedited Shipping	\$25.00 / \$50.00

Videography Rates:

Videography Services / Set-up/tear down	\$175.00
Videography Services / Hourly (Min. 3 hours)	\$95.00 per hour
DVD Media (Per 4 hours on record)	\$50.00 / \$100.00
Synchronized DVD	\$55.00 per transcript hour

EXHIBIT 2



Litigation
SERVICES

Discovery | Depositions | Trial

Standard Delivery: 8-10 Business days

Expedited Rate Schedule:

Same Day	125%
Next Day	100%
2 day delivery	90%
3 day delivery	80%
4 day delivery	70%
5 day delivery	60%
6 day delivery	50%
7 day delivery	40%

****Rates Subject to Change****

**** For additional deposition locations, please contact your local business development representative for details and a quote****

From: LIT Santa Rosa
To: [Tina Wallis](#)
Subject: Chanate Costs
Date: Thursday, November 16, 2017 4:47:20 PM

Hi Tina,

So far there has been about \$3,910.00 invoiced for four large hearings and the edits.

There are four large hearings left and 10 short closed sessions.

The longest hearing invoice was \$1500.00.

If I estimate high and assume the last four hearings will be near that cost we would estimate an additional \$6,000.00.

If each of the closed sessions are a minimum of one hour plus transcript, we would estimate additional \$100.00 per session.

Total ROUGH estimated cost of work done and work to do may be near \$11,000.00.

Please know that the final amount may be higher or lower and we are unable to give a closer estimate of cost given the process of this type of work.

Let me know if you need anything else.

Missy Romano

Operations Specialist

3510 Unocal Place, Suite 115

Santa Rosa, CA 95403

Work: 707-526-2708

LitigationServices.com | 800-368-6833 | srdepo@litigationServices.com



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EXHIBIT 3