

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 WESTERN DIVISION
 Case No. 5:14-cv-00369-BO

FELICITY M. TODD VEASEY and)	
SECOND AMENDMENT FOUNDATION,)	
INC.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BRINDELL B. WILKINS, JR., in his official)	
Capacity as Sheriff of Granville County, North)	
Carolina, PAT McCRORY, in his Official)	
Capacity as Governor of North Carolina,)	
ROY COOPER, in his Official Capacity as)	
Attorney General of North Carolina, and)	
FRANK L. PERRY, in his Official Capacity as)	
Secretary of the North Carolina Department of)	
Public Safety,)	
)	
Defendants.)	

DECLARATION OF
DAVID G. SIGALE IN SUPPORT OF
MOTION FOR ATTORNEY FEES

I, DAVID G. SIGALE, am competent to state and declare the following based on my personal knowledge.

1. I earned my Juris Doctor from Georgetown University Law Center in Washington, D.C. in 1996, which is also the first year I was admitted to the practice of law. I earned my Bachelor of Arts from Indiana University in Bloomington, Indiana in 1992. I am an active member in good standing of the Illinois bar. I am also licensed in the United States Supreme Court, the Seventh and Eighth Circuit Courts of Appeal, the U.S. District Courts for the Northern and Central Districts of Illinois, and the U.S. District Courts for the Western and Eastern Districts of Arkansas. I have also appeared *pro hac vice* in the Eastern District of

Missouri, the District of Nebraska, the District of the Northern Mariana Islands, the District of New Mexico, and the Western District of Wisconsin.

2. I have practiced mainly civil litigation since beginning my practice, working at various firms in and around Chicago.

3. I have been the owner of Law Firm of David G. Sigale, P.C. since 2007. My practice is in general litigation, with a focus on civil rights and business litigation. This includes such complex matters as constitutional law, antitrust litigation, ERISA and employment discrimination. I also have handled a number of criminal defense and transactional matters in my practice. I represent both individuals and various business entities with their legal needs.

4. A large segment of my practice involves Section 1983 claims under the Second, First and Fourth Amendments.

5. I was co-counsel in the United States Supreme Court case of *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010), and am also one of the (two) Plaintiffs' attorneys in *Ezell v. City of Chicago*, where the Seventh Circuit declared Chicago's firing range ban unconstitutional in 2011 (*Ezell*, 651 F.3d 684). Additionally, I was co-Plaintiffs' attorney in the fee appeal arising from the *McDonald* case, entitled *NRA v. City of Chicago*, 646 F.3d 992 (7th Cir. 2011), in which the Seventh Circuit ruled in our favor on the briefing alone.

6. Further, I was co-Plaintiffs' attorney in the case of *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012), which overturned the State of Illinois's prohibition on the public carrying of firearms for self-defense.

7. I have argued before the Seventh Circuit, and I have represented plaintiffs in Second Amendment issues before District Courts across the United States, including numerous cases on the issue litigated in this matter.

8. In 2013, I was invited to become a member of the National Trial Lawyers: Top 100. In 2015 I became a member of the National Association of Distinguished Counsel. I have been named to the Illinois Super Lawyers list every year since 2012, including the upcoming 2016 list. I am also a member of the American Inns of Court, where I will be serving as Vice-Chair of Programming in 2015-16.

9. I have lectured on the Second Amendment, as well as the Illinois Firearms Concealed Carry Act, for groups such as the Illinois Institute for Continued Legal Education (IICLE) and the Chicago Bar Association. I have also lectured on First Amendment issues.

10. In taking on many types of cases, I employ a variety of fee structures, including contingency, flat fee, hourly, and hybrids of these methods. For commercial matters, unless there is a personal relationship the lowest I charge is \$500.00/hour. When I charge for flat fee cases, it is with the calculation that based on my experience and expediency, the final equivalent rate will equate to \$500.00/hour.

11. As examples of other types of matters where I apply my regular billing rate, I have had two clients, who I will call G.F. and M.T., pay me at my rate of \$500.00/hour. These two individuals retained me to investigate and defend them regarding potential criminal actions and/or prosecutions.

12. Further, approximately twenty-five individuals have all agreed (in signed Retainer Agreements) to pay my requested \$500.00/hour rate should they face criminal prosecution for certain acts. For all these individuals, I am currently on retainer. Due to potential incrimination, their identities are withheld.

13. In complex constitutional matters, including but not limited to Second Amendment litigation, the market is small, and there are few attorneys with the experience and

dedication to civil rights law from which clients can choose. Perhaps one can say that about other legal specialties, such as energy law or patent law. However, the market rate for those services is also often higher than, for example, divorce law, where there is often a multitude of practitioners. For whatever reason, the availability of constitutional lawyers, especially those with a practice involving Second Amendment law, is smaller than other areas of law.

14. The \$500.00/hour rate which I am requesting in this matter has been agreed upon four times with governmental entities and approved by the United States District Courts, including twice in the Central District of Illinois (*Moore v. Madigan*, 3:11-CV-3134 (C.D.Ill.); *Winbiger v. Warren County Housing Authority*, 4:12-CV-4032 (C.D.Ill.)). The third was by the District of New Mexico in *Jackson v. Eden*, 1:12-CV-421 (D.NM). The fourth was in the District of Nebraska in *Nino de Rivera Lajous v. Sankey*, 4:13-CV-3070 (D.Neb). The Orders and accompanying documents are attached hereto as **Exhibit A**.

15. Additionally, I received Section 1988 fees from the State of Arkansas in the amount of \$10,000.00. Though the breakdown was not listed in the Court's Order attached as **Exhibit B**, the amount was specifically based on my demand of 20.0 hours of time at \$500.00/hour. For purposes of settlement with Arkansas, I reduced my actual time spent by less than one hour.

16. This current rate is a commensurate increase with the increase in my experience and years of practice. In 2011, I received a \$300.00/hour rate from the City of Chicago in the *McDonald* case, and in 2012 I received a \$450.00/hour rate from the City of Omaha in a Second Amendment challenge I successfully prosecuted (*Pliego-Gonzalez v. City of Omaha*, 8:11-CV-335 (D.NE)). As of this time, my rate is at or actually below the market rate for similar work by attorneys of similar experience and expertise.

17. Attached as **Exhibit C** is my Statement of Time and Expense detailing the work I performed, and out-of-pocket costs I incurred, while prosecuting this lawsuit. All work and expenses were necessary to litigate this matter to a successful conclusion.

I declare under perjury that the foregoing is true and correct.

This the 26th day of August, 2015.

A handwritten signature in black ink, appearing to read "D.G. Sigale", written in a cursive style. The signature is positioned above a horizontal line.

DAVID G. SIGALE

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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