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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
12/27/2022 at 12:01:00 AM
Clerk of the Superior Court
By Bernabe Montijo, Deputy Clerk

5 Attorney for Defendant Abhay Schweitzer, individually and doing business as TECHNE
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO, CENTRAL DIVISION

10 AMY SHERLOCK, an individual and on behalf)
of her minor children, T.S. and S.S., ANDREW)
11 FLORES, an individual,)

12 Plaintiffs,)

13 v.)

14 GINA M. AUSTIN, an individual; AUSTIN)
LEGAL GROUP, a professional corporation,)
15 LARRY GERACI, an individual, REBECCA)
BERRY, an individual; JESSICA McELFRESH,)
16 an individual; SALAM RAZUKI, an individual;)
NINUS MALAN, an individual; FINCH,)
17 THORTON, AND BARID, a limited liability)
partnership; ABHAY SCHWEITZER, an)
18 individual and dba TECHNE; JAMES (AKA JIM))
BARTELL, an individual; NATALIE)
19 TRANG-MY NGUYEN, an individual, AARON)
MAGAGNA, an individual; BRADFORD)
20 HARCOURT, an individual; SHAWN MILLER,)
an individual; LOGAN STELLMACHER, an)
21 individual; EULENTHIAS DUANE)
ALEXANDER, an individual; STEPHEN LAKE,)
22 an individual, ALLIED SPECTRUM, INC., a)
California corporation, PRODIGIOUS)
23 COLLECTIVES, LLC, a limited liability)
company, and DOES 1 through 50, inclusive,)
24

25 Defendants.)
26)
27)
28)

CASE NO.: 37-2021-00050889-CU-AT-CTL
DECLARATION OF GEORGE R. NAJJAR,
ESQ., IN SUPPORT OF MOTION FOR
ATTORNEY FEES SUBMITTED BY
DEFENDANT ABHAY SCHWEITZER,
INDIVIDUALLY AND DOING BUSINESS
AS TECHNE

IMAGED FILE

UNLIMITED CIVIL CASE

Complaint Filed: 12/3/2021

Date: April 7, 2023
Time: 9:00 A.M.
Dept.: C-75
Judge: Honorable James A Mangione

1 I, George R. Najjar, Esq., declare:

2 1. I am an attorney at law, licensed to appears before the Courts of this State, and am
3 attorney for Defendant ABHAY SCHWEITZER, individually and doing business as TECHNE. If so
4 asked, I would competently testify as follows.

5 2. Lodged concurrently as EXHIBIT 1 is a true and accurate copy of the December 1,
6 2022, tentative ruling in favor of granting Defendant Schweitzer's anti-SLAPP motion [ROA 223].
7 On December 2, 2022, after hearing and oral argument, the Court confirmed this tentative ruling and
8 granted Defendant Schweitzer's anti-SLAPP Motion [ROA 229]. This ruling resulted in a final
9 adjudication of all claims asserted against Defendant Schweitzer.

10 3. I have expended to date the following hours in regard to Defendant Schweitzer's
11 Special Motion to Strike (anti-SLAPP) and Motion for Attorney Fees:

12	8/17/22	Draft meet and confer correspondence to Plaintiffs' counsel prior to filing Special Motion to Strike (Anti-Slapp); legal and case research thereon.	3.0
13			
14	9/19/22	Begin drafting Special Motion to Strike (Anti-Slapp): notice of motion, memorandum of points and authorities. Legal and this case procedural research thereon.	2.5
15			
16	9/20/22	Continue drafting Special Motion to Strike (Anti-Slapp): memorandum of points and authorities. Continued legal research.	2.5
17			
18	9/21/22	Continue drafting Special Motion to Strike (Anti-Slapp): memorandum of points and authorities, notice of motion. Continued legal research.	3.5
19	9/22/22	Complete drafting Special Motion to Strike (Anti-Slapp): notice of motion, memorandum of points and authorities, notice of lodgment, request for judicial notice, declaration of George R. Najjar, Esq.	2.0
20			
21	11/21/22	Analyze Plaintiffs' opposition brief to special motion to strike (anti-SLAPP). Review Geraci defendants reply brief to Geraci special motion to strike (anti-SLAPP), demurrer and motion to strike. Draft Reply Brief in Support of Schweitzer special motion to strike (anti-SLAPP); file and serve.	2.5
22			
23			
24	11/28/22	Review and respond to email from the Lake attorneys re: pleadings and electronic service.	.1
25			
26	12/1/22	Review tentative ruling on special motion to strike (granted) and the rulings on the other defendants' motions; prepare for oral argument.	.5
27	12/2/22	Attend hearing on special motion to strike (anti-slapp).	.8

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1	12/5/22	Draft, file and serve Notice of Ruling Granting Special Motion to Strike.	.5
2	12/22/22	Draft [Proposed] Judgment, Memorandum of Costs (Summary), and	
3		Memorandum of Costs (Worksheet). Begin drafting Notice of Motion and	
4		Motion for Attorney Fees, and Memorandum of Points and Authorities,	
		Notice of Lodgment, Request for Judicial Notice, and Declaration of	
		George R. Najjar in support thereof; legal research thereon.	3.0
5	12/23/22	Complete drafting Notice of Motion and Motion for Attorney Fees, and	
6		Memorandum of Points and Authorities, Notice of Lodgment, Request	
7		for Judicial Notice, and Declaration of George R. Najjar in support	
		thereof.	4.5
8		Total Expended Attorney Hours To Date	25.4

9 4. I anticipate expending the following hours in regard to Defendant Schweitzer’s Motion
10 for Attorney Fees:

11	Review Plaintiffs’ opposition papers to Motion for Attorney Fees.	.3
12	Draft Reply Brief to opposition to Motion for Attorney Fees.	2.5
13	Attend hearing on Defendant Schweitzer's Motion for Attorney Fees.	1.0
14	Total Anticipated Attorney Hours	3.8
15	Total Expended and Anticipated Attorney Hours (25.4 + 3.8 = 29.2)	29.2

16 Total Attorney Time 29.2 hours x \$350.00 per hour = \$10,220.00

17 5. Defendant Schweitzer requests an hourly rate of \$350.00 per hour for my attorney
18 services in regard to Defendant Schweitzer’s Special Motion to Strike (anti-SLAPP) and Motion for
19 Attorney Fees. I have been licensed to practice in California for approximately 30 years and have
20 extensive trial and litigation experience. I have served as a judge pro tempore in the Superior Court
21 of California, County of San Diego, since 2000. I have also served as an arbitrator for NASD/FINRA
22 since 1997. I have devoted the majority of my practice to civil litigation, primarily in the area of
23 business litigation defense. Based on my years of experience, the lodestar rate of three hundred and
24 fifty dollars per hour (\$350.00/hr.) is reasonable and appropriate for the value of my services rendered
25 in this type of litigation in San Diego.

26 6. Lodged concurrently as EXHIBIT 2 is a true and accurate copy of my August 25, 2022,
27 correspondence to Andrew Flores, Esq. The purpose of this letter was to request entry of dismissal
28 with prejudice in favor of Defendant Schweitzer since the allegations against him were a textbook

1 example of Plaintiffs abusing of the judicial process by filing a lawsuit primarily to chill his valid
2 exercise of the constitution rights of freedom of speech and petition pursuant to Code Civ. Proc. §
3 425.16 subds. (a)(e)(1). Attorney Flores never responded to this correspondence, necessitating the
4 filing of the special motion to strike and this motion for attorney fees.

5 I swear under penalty of perjury under the laws of the state of California that the foregoing
6 is true and correct, dated December 23, 2022, at San Diego, California.

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George R. Najjar