

EXHIBIT 2

1 PAUL GUTIERREZ, ESQ. (SBN 66059)
2 ROBERT BELSHAW, ESQ. (SBN 142028)
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8 Attorneys for Plaintiff
9 AMERICAN SMALL BUSINESS LEAGUE

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 AMERICAN SMALL BUSINESS LEAGUE) CASE NO. C044250 SI
14)

15 Plaintiff,)

16 v.)

17 UNITED STATES SMALL BUSINESS)
18 ADMINISTRATION)

19 Defendants.)

20 **DECLARATION OF ROBERT E.**
21 **BELSHAW, ESQ. IN SUPPORT OF**
22 **INTERIM MOTION FOR ATTORNEYS**
23 **FEES**
24 **[5 U.S.C. §552 (a)(4)(E)]**

25 **Date: August 12, 2005**
26 **Time: 9:00 a.m.**
27 **Courtroom 10**
28 **Hon. Susan Illston**

I, Robert E. Belshaw, declare:

1. I am an attorney at law licensed to practice before this court and a member of Gutierrez ▪ Ruiz LLP, attorneys of record in this action for AMERICAN SMALL BUSINESS LEAGUE. I have personal knowledge of the matters herein set forth and, if called and sworn as a witness, I am competent to, and would, testify to the truth of the matters stated.

2. Pursuant to Local Rule 54-5 (b)(1) Counsel for both parties met and conferred on July 7th and 8th 2005 for the purpose of attempting to resolve any disputes with respect to this motion and were unable to reach an agreement.

3. I am a partner of Gutierrez ▪ Ruiz LLP, i graduated from the Hastings College of Law and was admitted to the State Bar of California and the Northern District in 1989. I have

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1 substantial experience in litigation and appellate work, including labor and employment, wrongful
2 termination, and disability discrimination. My standard and customary billing rate, and the
3 amount actually paid for my services in this matter by plaintiff ASBL, is \$300 per hour. Based
4 upon my knowledge and experience, this rate is significantly lower than prevailing rates for
5 similarly experienced counsel in this market. As of June 30, 2005, I have expended 196.20 hours
6 in prosecution of this litigation for which ASBL paid the amount of \$58,879.23

7 5. Amber Cottingham, who assisted in the preparation of this motion, is a 2004
8 graduate of University of California, Davis School of Law where she participated in the King Hall
9 Civil Rights Clinic and gained significant litigation, appellate and writing experience. She was
10 admitted to the State Bar of California in 2004, and is a contract attorney for Gutierrez ■ Ruiz
11 LLP. Her usual and customary billing rate as a member of Gutierrez ■ Ruiz LLP is \$130.00, and,
12 as of June 30, 2005, she has expended 20.5 hours in prosecution of this litigation for a total of
13 \$2665.00

14 6. Ellen Schuster, who assisted in the preparation of this motion, is a 2004 graduate
15 from the University of California, Davis School of Law. Ms. Schuster gained significant litigation
16 experience from her participation in the King Hall Civil Rights Program. She was a paralegal for
17 Gutierrez ■ Ruiz LLP and conducted research in support of this motion. Her usual and customary
18 billing rate as a member of Gutierrez ■ Ruiz LLP was \$120.00, and she expended 5.0 hours in
19 prosecution of this litigation for total of \$708.00.

20 7 This litigation included, but is not limited to, pleadings, discovery, correspondence,
21 law and motion and other necessary legal activities to fully represent my clients. All of these
22 activities and related costs are reflected in invoices sent to my clients for payment. Time records
23 are entered into our Time Matters software program on a daily basis and invoices are created from
24 that program. I personally reviewed each and every invoice and personally authorized the time
25 and expenses to be billed to my clients. No premium was added to either the billing rates
26 indicated and there were no special or additional charges added to the invoices beyond the actual
27 hours and costs expended. There were, however, some instances where specific billings were
28 either not billed to the clients or the amount billed was reduced.

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8. As of the date of this declaration a total of \$62,371.23 in attorneys’ fees and \$890.43 costs have been billed to my clients.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 8th day of July 2005 at San Francisco, California.

Gutierrez ▪ Ruiz LLP

By: Robert E. Belshaw

Robert E. Belshaw
Attorneys for American Small Business
League

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