

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

MICHAEL MOORE, CHARLES HOOKS,)
PEGGY FECHTER, JON MAIER,)
SECOND AMENDMENT FOUNDATION, INC.)
and ILLINOIS CARRY,)

Plaintiffs,)

v.)

LISA MADIGAN, in her Official Capacity as)
Attorney General of the State of Illinois and)
HIRAM GRAU, in his Official Capacity as)
Director of the Illinois State Police,)

Defendants.)

Case No. 3:11-CV-3134

DECLARATION OF DAVID G. SIGALE

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 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. I have argued before the Seventh Circuit, and I have represented plaintiffs in Second Amendment issues before District Courts across the United States, including a separate matter in this District.

7. In 2013, I was invited to become a member of the National Trial Lawyers: Top 100. I have been named to the Illinois Super Lawyers list in 2012, 2013, and the upcoming 2014 list. I am also a member of the American Inns of Court.

8. I have lectured on the Second Amendment, as well as the newly-enacted Firearms Concealed Carry Act, for groups such as IICLE and the Chicago Bar Association. I have also lectured on First Amendment issues.

9. 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 these matters, I charge according to the Chicago-area market, for example, if I were to demand a 50% contingency for a personal injury case, the client has many qualified attorneys to retain. For commercial matters, the lowest I charge is \$325.00/hour, which is in a part a courtesy or reduction in exchange for volume. 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.

10. In contrast, 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.

11. The \$500.00/hour rate which I am requesting in this matter has twice been agreed upon with governmental entities and approved by the United States District Courts, including in this District (*Winbigler v. Warren County Housing Authority*, 4:12-CV-4032). The other was in the District of Nebraska in *Nino de Rivera Lajous v. Sankey*, 4:13-CV-3070 (D.NE). The Orders and accompanying documents are attached as Exhibits I&J hereto.

12. 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, as my co-counsel Alan Gura has demonstrated to the Court. *See* Exhibits A-E and G of Gura Declaration, incorporated herein.

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

Dated: December 16, 2013

/s/ David G. Sigale
David G. Sigale, Esq.

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