

1 WASHOE COUNTY
DISTRICT ATTORNEY'S OFFICE

2 MARY KANDARAS
3 Deputy District Attorney
California State Bar Number 153994
4 P.O. Box 11130
5 Reno, NV 89520-0027
(775) 337-5700

6 ATTORNEY FOR RICHARD GAMMICK

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 * * *

10 JUDY ANN MIKOVITS,)

11 Plaintiff,)

12 vs.)

13 ADAM GARCIA, JAMIE MCGUIRE,)
14 RICHARD GAMMICK, GEOFF)
DEAN, THREE UNIDENTIFIED)
15 VENTURA COUNTY DEPUTY)
SHERIFFS, F. HARVEY)
16 WHITTEMORE, ANNETTE F.)
WHITTEMORE, CARLIE WEST)
17 KINNE, WHITTEMORE-PETERSON)
INSTITUTE, a Nevada Corporation,)
18 UNEVX INC., a Nevada Corporation,)
MICHAEL HILLERBY, KENNETH)
19 HUNTER, GREG PARI, and)
VINCENT LOMBARDI,)

20 Defendants.)

Case No. 2:14-cv-08909-SVW-PLA

**NOTICE OF MOTION TO
DISMISS**

Hearing Date: May 4, 2015

Hearing Time: 1:30 p.m.

Judge: Hon. Stephen V. Wilson

21 TO: PLAINTIFF JUDY ANN MIKOVITS:

22 Please take notice that on May 4, 2015 at 1:30 p.m., or as soon thereafter as
23 the matter may be heard, in the United States District Court for the Central District
24 of California, located at 312 North Spring Street, Los Angeles, California, 90012,
25 Room 6, Defendant Richard Gammick, District Attorney of Washoe County,
26 retired, by and through counsel Mary Kandaras, Deputy District Attorney, will and

1 hereby do move this Court to dismiss the complaint (#1)¹ based upon its failure to
2 state a claim upon which relief can be granted on all causes of action. In the
3 alternative, defendant District Attorney Gammick will and does seek transfer of
4 venue to the District of Nevada because there is no personal jurisdiction over him.

5 This motion is made pursuant to the Federal Rules of Civil Procedure, and is
6 based on the Memorandum of Points and Authorities filed concurrently herewith,
7 the Declaration of Mary Kandaras, all Exhibits attached thereto, all matter of
8 which this Court may take judicial notice, all pleadings and papers on file and such
9 oral argument as may be presented during the hearing of this Motion.

10 Dated: February 3, 2015.

11 WASHOE COUNTY
12 DISTRICT ATTORNEY'S OFFICE

13 By /s/ Mary Kandaras
14 MARY KANDARAS
15 Deputy District Attorney
16 P.O. Box 11130
17 Reno, NV 89520-0027
18 (775) 337-5700

19 ATTORNEY FOR RICHARD GAMMICK
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¹ Refers to the Court's docket numbers.

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I deposited for mailing in the U.S. Mails, with postage fully prepaid, a true and correct copy of the foregoing document in an envelope addressed to the following:

Judy Anne Mikovits
140 Acacia Avenue #5
Carlsbad, CA 92008

Dated this 3rd day February, 2015.

/s/ C. Mendoza

C. Mendoza