

1 *Mikovits v. Garcia, et al.*,  
2 USDC Case No. CV14-08909-SVW (PLA)

3 **DECLARATION OF JEFFREY HELD IN SUPPORT**  
4 **OF DEFENDANT DEAN'S 7-3 PRE-FILING**  
5 **CONFERENCE FOR MOTION TO DISMISS**

6 I, Jeffrey Held, declare as follows:

7 1. I make this declaration based upon information which is personally  
8 known to me. If called to testify as a witness to the information contained in this  
9 declaration, I would competently and accurately do so under penalty of perjury of the  
10 laws of the United States of America.

11 2. I am an attorney licensed to practice law in the Central District and the  
12 State of California. I am an attorney representing Defendant Sheriff Geoff Dean and  
13 purported Defendants Gary Pentis and Steve De Cesari in the Mikovitz action, 14-  
14 809. I base the representations contained in this declaration upon my personal  
15 knowledge and if called to testify as a witness to the statements in this declaration, I  
16 could and would do so under penalty of perjury of the laws of the United States.

17 3. In the notice, I state that the pre-filing conference required by Central  
18 District Local Rule 7-3 took place on February 2 and 3, 2015.

19 4. This is an accurate statement.

20 5. On February 2, 2015, I e-mailed and regular mailed the exact text of the  
21 notice of hearing of the motion to dismiss and the motion to dismiss(memorandum of  
22 points and authorities) to plaintiff, Judy Anne Mikovits. A copy of the e-mail  
23 transmission receipt and a proof of service are appended hereto in further  
24 corroboration of that representation. These are Exhibits A and B.

25 6. A copy of the transmittal letter to plaintiff explaining the necessity of a  
26 pre-filing conference in accordance with Central District Local Rule 7-3 is attached  
27 as Exhibit C.

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1           7.     The e-mail of the pre-filing conference letter attached the exact text of  
2 the notice of hearing and the motion to dismiss (memorandum of points and  
3 authorities), in PDF.

4           8.     Exhibit C and the exact text of the notice of hearing and the motion to  
5 dismiss (memorandum of points and authorities) were regular mailed to the plaintiff,  
6 Ms. Mikovits, in paper format, also on February 2, 2015.

7           9.     On February 3, 2015, at 9:53 a.m., I telephoned plaintiff to verify her  
8 receipt and awareness of the e-mail containing the pre-filing conference letter and the  
9 notice of hearing of the motion to dismiss and the motion to dismiss the complaint  
10 (memorandum of points and authorities), and of the regular mailed copies.

11          10.    On February 3, 2015, I participated in a Central District Local Rule 7-3  
12 pre-filing conference regarding my client's motion to dismiss, or, in the alternative,  
13 for a more definite statement. I telephoned the plaintiff, Judy Mikovits, at 2:08 p.m.  
14 at the phone number given in the complaint. Ms. Mikovits answered the phone  
15 immediately and we spoke about the motion and the case for approximately 18  
16 minutes. I confirmed that the e-mail address to which my office e-mailed the notice  
17 of hearing of the motion to dismiss, and the memorandum of points and authorities,  
18 the previous afternoon at 4:40 p.m. was received by Ms. Mikovits and she confirmed  
19 that it was. She confirmed that that e-mail address was the best one to use in sending  
20 her documents. I described the purpose of the phone call as being preparatory to  
21 filing the motion to dismiss seven days later, on February 11, 2015.

22          11.    Ms. Mikovits described her view of the facts of the case, stated that she  
23 would send me a newspaper article and a book she had written bearing on the facts of  
24 the case and explained that her goal as respects my client was to get to the bottom of  
25 the matter. However, nothing was resolved during the pre-filing conference  
26 regarding the motion. Ms. Mikovits declined to withdraw her complaint or agree to  
27 the points raised by the motion to dismiss.

28    ///

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing information is true and correct.

3 Executed this 10<sup>th</sup> day of February, 2015, at Oxnard, California.

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6 Jeffrey Held  
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