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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 JUDY ANNE MIKOVITS,

15 Plaintiff,

16 vs.

17 ADAM GARCIA, JAIME
18 MCGUIRE, RICHARD
19 GAMMICK, GEOFF DEAN,
20 THREE UNIDENTIFIED
21 VENTURA COUNTY SHERIFFS,
22 F. HARVEY WHITTEMORE,
23 ANNETTE F. WHITTEMORE,
24 CARLIE WEST KINNE,
25 WHITTEMORE-PETERSON
26 INSTITUTE, a Nevada Corporation,
27 UNEVX INC., a Nevada
28 Corporation, MICHAEL
HILLERBY, KENNETH HUNTER,
GREG PARI and VINCENT
LOMBARDI,

Defendants.

CASE NO. CV14-08909-SVW (PLA)

**DEFENDANT DEAN'S NOTICE OF
HEARING OF MOTION AND
MOTION FOR SUMMARY
JUDGMENT; MEMORANDUM OF
POINTS AND AUTHORITIES AND
DECLARATION OF JEFFREY
MILLER IN SUPPORT**

[Statement of Uncontroverted Facts and
Conclusions of Law and Proposed
Judgment In Support Filed Concurrently
Herewith]

Date: September 21, 2015

Time: 1:30 p.m.

Place: 312 Spring Street, Second Floor,
Courtroom 6

TO: PLAINTIFF, JUDY ANNE MIKOVITS, AND TO HER COUNSEL OF
RECORD, MICHAEL R. HUGO AND ROBERT J. LISKEY:

Please take notice that Defendant Geoff Dean hereby moves the Honorable
Stephen V. Wilson, United States District Judge, for an order granting him summary
judgment as to the plaintiff's first amended complaint, claims one through eleven.

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1 This motion is based upon this notice of hearing, the attached memorandum of points
2 and authorities and declaration of Jeffrey Miller, and the concurrently filed Statement
3 of Uncontroverted Facts and Conclusions of Law.

4 The above-entitled Court is located at 312 North Spring Street, Second Floor,
5 Courtroom 6, Los Angeles, California, 90012.

6 This motion is made following the conference of counsel pursuant to Central
7 District Local Rule 7-3 which took place on June 24, 2015 and July 1, 2015.

8 On June 24, 2015, moving party's counsel, Jeffrey Held, e-mailed both
9 attorneys for plaintiff, Michael Hugo and Robert Liskey, a two page letter attaching
10 the declaration of Captain Jeffrey S. Miller establishing that neither Sheriff Geoff
11 Dean nor anyone in the Ventura County Sheriff's Office, played any role in the
12 operative events of the complaint in that it was entirely the operation of a separate
13 local police agency, the City of Ventura police department.

14 The letter and attached declaration further explained that the only role of the
15 Sheriff's Office was to fulfill its statutory obligation to receive Ms. Mikovits for
16 booking and processing her in a routine manner involving photographing,
17 fingerprinting and access to telephones, with free local calls. The letter also asserted
18 the time-bar, explaining that the events at issue concluded with Ms. Mikovits' bail
19 and extradition hearing on November 22, 2011, but the present suit was not filed until
20 November 23, 2013[sic]. This latter date was erroneous- the present suit was actually
21 filed on November 17, 2014. But whether filed a day late, as erroneously stated in
22 the letter, or almost a year late, as is correct considering the actual filing date of the
23 complaint originating the present action, the suit is nevertheless time-barred.

24 On July 1, 2015, moving party's counsel, Jeffrey Held, telephoned lead counsel
25 for Ms. Mikovits, Michael Hugo, asking him if he had received and read the letter of
26 June 24, 2015 and the Miller declaration. Mr. Hugo acknowledged that he had. Mr.
27 Held asked whether the non-involvement of the Sheriff or his Office or the time bar
28 convinced the plaintiff to omit Sheriff Dean and his Office from the first amended

1 complaint. Mr. Hugo stated that he was in the process of drafting the first amended
2 complaint, would consider the letter and declaration, but was disinclined to omit
3 Sheriff Dean from the first amended complaint.

4
5 DATED: August 13, 2015

WISOTSKY, PROCTER & SHYER

6
7 By:



Jeffrey Held
Attorneys for Defendant
GEOFF DEAN

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

Neither Geoff Dean, the Sheriff of Ventura County, nor anyone in his agency, the Ventura County Sheriff's Office, played any part in the events alleged in the complaint relating to Ventura County law enforcement on November 18, 2011. These events involve plaintiff's arrest on November 18, 2011, pursuant to what the complaint characterizes as a search warrant obtained with false information. First Amended Complaint, paragraphs 73 and 74. The officers serving the search warrant did not show it or an arrest warrant to plaintiff. Paragraph 75. Later paragraphs of the complaint challenge the search of plaintiff's home and intimidation of her husband, e.g., paragraph 78. The alleged objective was to force plaintiff's husband to reveal the location of some notebooks sought by the Nevada co-defendants. Paragraph 79.

The operation was entirely that of another, separate local law enforcement agency, the City of Ventura police department. This is explained in the declaration of Captain Jeffrey Miller of the Ventura County Sheriff's Office, paragraphs 3 through 17, 29 and 30, attached to this motion. It was also attached to the June 24, 2015 e-mail to plaintiffs' counsel and explained in that letter; that is evident from the allegation in the first amended complaint in paragraph 73 that there was involvement by the City of Ventura police department, an allegation which is absent from the original complaint.

The second ground of this motion is the expiration of the statute of limitation. The plaintiff was present in a hearing of her case with Ventura Superior Court Judge Bruce Young, on November 22, 2011. He informed her of the charges against her, scheduled bail(which was posted on her behalf later that day) and set an extradition hearing to take place on December 19, 2011. Miller Declaration, paragraphs 25 through 28 and first amended complaint, paragraphs 76, 90, 106-107.

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1 But the original complaint in this action was not filed until November 17,
2 2014. The statute of limitation for actions arising in California is two years. The
3 filing deadline was November 22, 2013. The suit was therefore 360 days late and is
4 time-barred.

5 II.

6 ENABLING AUTHORITY

7 Federal Rule of Civil Procedure 56(a) authorizes summary judgment motions
8 resolving all or part of any claim or defense. The Court is to state on the record the
9 reasons for granting or denying the motion.

10 Subdivision (b) provides that the motion may be filed until 30 days after the
11 close of all discovery, unless the Court orders otherwise. The moving party is to
12 identify each claim on which summary judgment is sought. In this proceeding,
13 moving party Geoff Dean seeks summary judgment as to all eleven claims.

14 The facts are to be viewed favorably to the non-moving party “only if there is a
15 genuine dispute as to those facts.” *Scott v. Harris*, 550 U.S. 372, 380 (2007). When
16 the moving party carries its burden of producing some argument and evidence
17 demonstrating the absence of a valid case, the opponent “must do more than simply
18 show that there is some metaphysical doubt as to the material facts.” *Id.*

19 The mere existence of a scintilla of evidence in support of the non-moving
20 party’s position is insufficient. *Arpin v. Santa Clara*, 261 F.3d 912, 919 (9th Cir.
21 2001). Inconsistencies not outcome determinative are irrelevant to the resolution of
22 the motion. *Id.*

23 A district court has no obligation to search for evidence creating a factual
24 dispute. *Bias v. Moynihan*, 508 F.3d 1212, 1219 (9th Cir. 2007). If the plaintiff bears
25 the burden of proof at trial, it is sufficient for the defendant to point to the absence of
26 evidence to support the opponent’s case under substantive law. In *Re Oracle*
27 *Securities*, 627 F.3d 376, 387 (9th Cir. 2010).

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1 The opposing party cannot rely upon conclusory allegations unsupported by
 2 factual data to create an issue of material fact. *Hansen v. United States*, 7 F.3d 137,
 3 138 (9th Cir. 1993). Conclusory allegations are insufficient to raise a question of
 4 material fact. *Head v. Glacier*, 413 F.3d 1053, 1059 (9th Cir. 2005).

5 “To survive summary judgment, a plaintiff must set forth non-speculative
 6 evidence of specific facts, not sweeping conclusory allegations.” *United States ex re*
 7 *Cafasso v. General Dynamics*, 637 F.3d 1047, 1061 (9th Cir. 2011).

8 III.

9 HAVING PLAYED NO ROLE IN THE OPERATIVE 10 EVENTS OF THE CHARGES AGAINST PLAINTIFF, 11 OBTAINING A SEARCH WARRANT OR 12 EXECUTING IT, DEFENDANT DEAN IS NOT 13 LIABLE

14 The following facts are taken from the Miller Declaration, attached to this
 15 motion.

16 Sheriff Dean is the elected head of the Ventura County Sheriff’s Office; this
 17 agency is associated with the County of Ventura, not the City of Ventura. The law
 18 enforcement agency associated with the City of Ventura is the Ventura Police
 19 Department. Paragraph 3.

20 Captain Miller was requested to ascertain the involvement, if any, of the
 21 Ventura County Sheriff’s Office or Sheriff Dean in the events involving Ms.
 22 Mikovits in November of 2011. In order to do that, he utilized a county-wide
 23 computer database known by its acronym, VCIJIS, Ventura County Integrated Justice
 24 Information System. It contains all references to Ventura County Sheriff’s Office
 25 law enforcement contacts. It is an important an integral item in the operation of the
 26 Sheriff’s Office and is treated seriously and information is carefully entered by
 27 authorized Sheriff’s personnel. VCIJIS came on line in June of 2002. Paragraphs 5
 28 through 10.

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1 Captain Miller utilized VCIJIS to conduct a name search of Judy Mikovits, but
2 found no record of any patrol contacts. If anyone in the Sheriff's Office had had any
3 law enforcement contact with Judy Mikovits, such as an arrest or the issuance of a
4 citation, documentation would have been required and VCIJIS would have revealed
5 such a contact. Paragraphs 11-12.

6 The absence of any Sheriff's Office records involving Judy Mikovits indicated
7 that no Sheriff's Office personnel, deputy sheriffs or higher ranking personnel, had
8 any law enforcement contacts with her. Paragraph 13.

9 Captain Miller next conducted a search of Sheriff's jail bookings under that
10 name, Judy Mikovits. He found one recorded instance involving that name under
11 booking number 1259336. That record shows that Ms. Mikovits was arrested on
12 November 18, 2011 pursuant to an out of state arrest warrant- not by Ventura County
13 Sheriff's Office personnel, but rather by the City of Ventura Police Department,
14 which is a completely separate agency from the Sheriff's Office. The City of Ventura
15 police department arresting officer was Todd Hourigan, identification number 353.
16 Paragraphs 14-17.

17 The absence of involvement is a recognized ground of dismissal.

18 The Ninth Circuit decision in *Barren v. Harrington*, 152 F.3d 1193 (9th Cir.
19 1998), requires that a plaintiff must plead and prove facts, not conclusions, showing
20 that a person was involved in the alleged deprivation of civil rights. 152 F.3d at
21 1194. "Liability under Section 1983 must be based on the personal involvement of
22 the defendant." *Id.*

23 A public official is entitled to qualified immunity if he had no role in the
24 preparation of a warrant affidavit or its execution. *KRL v. Moore*, 384 F.3d 1105,
25 1118 (9th Cir. 2004). No 1983 liability exists absent personal participation. *Taylor v.*
26 *List*, 880 F.2d 1040, 1045 (9th Cir. 1997). If a law enforcement officer's moving
27 declarations establish that he or she was unassociated with the challenged conduct,
28 though in close physical proximity, there is no liability. *Liston v. County of*

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1 *Riverside*, 120 F.3d 965, 981 (9th Cir. 1997). If the moving declaration substantiates
2 that the law enforcement official was not present at the time of the events in question,
3 he is likewise not liable. *Id.*

4 Undisputed evidence that a law enforcement officer was not present when the
5 challenged conduct occurred and did not instruct other law enforcement officers to
6 carry out the challenged conduct means that there is no evidence of the required
7 “integral participation” in the alleged constitutional violation. *Torres v. City of Los*
8 *Angeles*, 548 F.3d 1197, 1206 (9th Cir. 2008). Although that law enforcement officer
9 is in charge of the investigation, an absence of evidence of acting as supervisor of the
10 events themselves does not allow liability. A supervisor can only be liable under
11 1983 if he or she sets in motion a series of acts by others which he actually or
12 constructively knows will cause them to inflict the challenged constitutional injury.
13 *Id.*

14 In this action, Defendant Sheriff Geoff Dean had no involvement in the events
15 of November 18, 2011. He is therefore not liable and is entitled to dismissal.

16 IV.

17 **FALSITY OF INCARCERATION ALLEGATIONS**

18 Paragraph 108 of the first amended complaint alleges that plaintiff was never
19 charged, never photographed, not fingerprinted and never properly processed in the
20 jail. Lines 7-8.

21 These allegations are contradicted by other allegations of the first amended
22 complaint and by Jeffrey Miller’s declaration.

23 Paragraph 76 alleges that “The Plaintiff was never told what her charges were .
24 . . and until the hearing on her release five days after her warrantless arrest, was
25 unaware of what she was charged with.” That concession that she was made aware of
26 her charges five days after her arrest belies the allegation of never having been
27 charged.

28 ///

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1 Paragraph 90 alleges that plaintiff was charged with being a fugitive from
2 justice five days after her arrest. This allegation further contradicts the allegation that
3 plaintiff “was never charged.”

4 The allegation that she was never photographed or fingerprinted, if these are
5 assumed to be constitutional rights, are refuted by the Miller Declaration, paragraphs
6 18 through 24. She was accepted for booking at the Ventura County Sheriff’s
7 Office’s Pre-trial Detention Facility on November 18, 2011. She was released on
8 November 22, 2011. While in custody, there is no documentation to suggest that
9 anything atypical occurred regarding Ms. Mikovits. When inmates are received for
10 booking, they are electronically fingerprinted, photographed and provided access to a
11 telephone cell. This phone cell gives inmates access to make free local calls, so they
12 can contact bail bonds companies, for example. The phone cell also allows inmates
13 in the booking process to place collect or toll calls. During her incarceration, Ms.
14 Mikovits was transferred to the Todd Road Jail and housed in the general jail
15 population for female inmates. This housing provided her with access to day rooms
16 in which telephones are located.

17 The Miller Declaration establishes that Ms. Mikovits appeared in court before
18 Judge Bruce A. Young on November 22, 2011. Paragraph 25. She was represented
19 by attorney Paul B. Tyler in that proceeding. Paragraph 26. Judge Young ordered
20 that Ms. Mikovits be remanded to the custody of the Sheriff’s Office on \$100,000
21 bail. He ordered her case continued to December 19, 2011, for an extradition
22 hearing. Paragraph 27. She posted bail on that same date and was released from
23 custody on that date. Miller Declaration, paragraphs 19 and 28. The first amended
24 complaint concurs. Paragraph 107.

25 These facts prove that the allegations of paragraph 108 are false. Plaintiff was
26 properly processed.

27 ///

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V.

**ALL OF THE ALLEGATIONS ARE BARRED BY
THE EXPIRATION OF THE STATUTE OF
LIMITATIONS**

It is undisputed that plaintiff was arrested on November 18, 2011. Paragraph 74 of the first amended complaint and paragraphs 16-17 of Miller Declaration. It is also undisputed that plaintiff was released from the custody of the Ventura County Sheriff's Office once and for all on November 22, 2011. First amended complaint, paragraphs 106-107 and paragraphs 19 and 28 of Miller Declaration.

These undisputed facts render the entire action time-barred. The forum state's limitation period is two years, which expired on November 18, 2013 for the search claims. It expired on November 22, 2013 for the arrest and imprisonment claims. At the time of the court hearing on that date, plaintiff had been given a bail amount, informed of the charges against her and her court date scheduled for the extradition hearing. First amended complaint, paragraphs 76, 90 and 106-107; Miller declaration, paragraphs 25-28.

Section 1983 provides a federal cause of action, but in several respects federal law looks to the law of the State in which the cause of action arose. *Wallace v. Kato*, 549 U.S. 384, 387 (2007). This is so for the length of the statute of limitations: It is that which the State provides for personal-injury torts. *Id.* The accrual date of a Section 1983 action is a question of federal law not resolved by reference to state law. *Id.* at 388. Federal courts refer to state law for tolling rules, just as they do for the length of statutes of limitations. *Id.* at 394.

The statute of limitations upon a Section 1983 claim seeking damages for false arrest in violation of the Fourth Amendment, where the arrest is followed by criminal proceedings, begins to run at the time the claimant is detained pursuant to legal process. *Id.* at 397.

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1 California's statute of limitations for personal injury claims is two years. Code
2 of Civil Procedure Section 335.1. A Section 1983 action arising in California is
3 governed by the two year statute of limitations. *Jackson v. Barnes*, 749 F.3d 755, 761
4 (9th Cir. 2014).

5 Plaintiff's statute of limitations for the false arrest and imprisonment claim
6 therefore expired on November 22, 2013. The statute of limitations for search and
7 seizure claims accrues at the time of the search and seizure. *Matthews v. Macanas*,
8 990 F.2d 467, 469 (9th Cir. 1993); *Venegas v. Wagner*, 704 F.2d 1144, 1146 (9th Cir.
9 1983)[Recognized as valid authority by *Kamar v. Krolczyk*, 2008 WL 2880414 *6
10 (E.D. Cal. 2008); unpublished cases after January 1, 2007 are citable as persuasive
11 authority, Fed.R.App.Proc. 32.1(a)].

12 The search and seizure claims expired four days earlier, on November 18,
13 2013. Since the present action was originally filed on November 17, 2014, it was 360
14 days too late to preserve the false arrest and imprisonment claims and 364 days too
15 late to preserve the search and seizure claims.

16 There are five potential tolling theories, none of which apply to save plaintiff's
17 claims.

18 One tolling doctrine is that the pendency of criminal charges tolls the statute of
19 limitations. That is not a rule of constitutional law. *Wallace v. Kato*, 393-394. The
20 Ninth Circuit has held that such tolling may apply under California Government Code
21 Section 945.3. *Harding v. Galceran*, 889 F.2d 906 (9th Cir. 1989).

22 That statute provides that "no person charged . . . in a criminal offense may
23 bring a civil action for money or damages against a peace officer or the public entity
24 employing a peace officer based upon conduct of the peace officer relating to the
25 offense for which the accused is charged, including an act or omission in
26 investigating or reporting the offense or arresting or detaining the accused, while the
27 charges against the accused are pending before a superior court." *Harding* held that
28 the statute was unconstitutional as far as barring a federal civil rights suit but was

1 valid in allowing tolling.

2 The statutory language only applies if the defendant against whom the tolling is
3 asserted played some role in investigating or reporting the offense. In order to be
4 subject to tolling under 945.3, the law enforcement official must have been
5 responsible for or involved in the criminal charges. Section 945.3 was enacted to
6 prevent a criminal defendant from suing a peace officer, or his or her employer, for
7 conduct of the peace officer relating to the criminal offense while charges were
8 pending against the criminal defendant. *Damjanovic v. Ambrose*, 3 Cal. App. 4th 503,
9 508 (1992).

10 In that case, a person arrested for battery on a peace officer brought a tort
11 action against a peace officer and civilian defendants for false arrest. The California
12 appellate court held that the Government Code provision which tolled the limitations
13 period for commencement of civil actions by a criminal defendant against a peace
14 officer while related criminal charges were pending did not toll the period within
15 which to file suit against the civilian defendants. The statutory language did not so
16 provide.

17 Correspondingly, defendant Dean played no role in bringing the out of state
18 criminal charges against the plaintiff. The entire complaint is a lengthy explanation
19 of how those Nevada charges were brought by the co-defendants against the plaintiff-
20 not by defendant Dean. Nor did he or his agency play any role in bringing the
21 extradition proceedings, obtaining or executing the search warrant or arresting
22 plaintiff. Miller declaration, paragraphs 3 through 17, 29 and 30.

23 Since Dean played no part in investigating or reporting the offense for which
24 plaintiff was arrested, he is analogous to the civilian defendants in *Damjanovic*.
25 Plaintiff's suit here is not based upon any conduct of Dean relating to the offense for
26 which she was charged. Government Code Section 945.3 therefore does not apply to
27 toll the statute of limitation as to Dean.

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1 A second tolling doctrine involves a previous timely claim or action
2 substantially related to the same subject matter against the same defendant. Where
3 the first proceeding does not seek relief against the defendant in the second
4 proceeding, equitable tolling does not apply. *Apple Valley Unified v. Vavrinek*, 98
5 Cal. App. 4th 934, 954 (2002). A worker's compensation claim against an employer
6 would not toll the statute of limitations against a third party who might also be liable
7 for the injury. *Collier v. City of Pasadena*, 142 Cal. App. 3d 917, 924-25 (1983). In
8 *Garabedian v. Skochko*, 232 Cal. App. 3d 836, 847 (1991), the court held that the
9 doctrine of equitable tolling does not save an untimely claim merely because the later
10 defendant obtained timely knowledge within the statute of limitation of a claim
11 against another defendant for which the second defendant knows or believes he may
12 share liability.

13 Plaintiff's first amended complaint alleges no previous suit or administrative
14 action against defendant Dean. Therefore the doctrine of equitable tolling is
15 inapplicable.

16 A third tolling doctrine, federal equitable tolling, applies when extraordinary
17 circumstances beyond the plaintiff's control make it impossible to file suit on time.
18 *Stoll v. Runyon*, 165 F.3d 1238, 1242(9th Cir. 1999). But plaintiff has alleged no
19 impossibility facts or theory. She was released from jail on November 22, 2011.
20 After that, she was functional, as described in paragraph 110 of the first amended
21 complaint. She was refusing to give up her personal Gmail as it would put thousands
22 of study participants at risk for confidentiality issues. She was rational and coherent,
23 involved in decision making.

24 A fourth tolling doctrine would be incarceration. That can be, under certain
25 limited circumstances, a tolling disability. Code of Civil Procedure Section 352.1
26 (a)-(c) provides that there is a tolling period of up to two years for incarceration if the
27 injury occurred during incarceration and the claim is not against a public entity or its
28 employees. Subdivision (b) provides that the statute does not apply to an action

1 against a public entity or public employee upon a cause of action for which a claim is
 2 required to be presented; all claims for money or damages require the presentation of
 3 a government claim(with 15 exceptions, none of which are applicable here).
 4 Government Code section 905. Subdivision (c) renders the tolling provision
 5 inapplicable to actions requesting an alteration of the conditions of confinement, but
 6 makes it applicable to damages actions relating to the conditions of confinement.

7 Plaintiff's injury did not occur during the time of her confinement. Even if it
 8 did, that tolling would only apply to private parties, not public entity defendants,
 9 unless the action sought to modify or redress the conditions of incarceration- which
 10 this suit does not. Therefore, disability by reason of confinement does not trigger
 11 tolling in this action.

12 The fifth and final tolling doctrine is continuous or repeated conduct of the
 13 same nature. But there is no continuing violation here. The Miller declaration
 14 establishes that this incarceration of four days was the one and only contact of the
 15 Ventura County Sheriff's Office with plaintiff. Paragraphs 11 through 15 and 30.

16 VI.

17 CONCLUSION

18 Defendant Geoff Dean therefore respectfully requests that this summary
 19 judgment motion be granted and that he be dismissed with prejudice from this action
 20 and its 11 claims.

21 DATED: August 13, 2015

WISOTSKY, PROCTER & SHYER

22
 23 By: 

24 Jeffrey Held
 25 Attorneys for Defendant
 26 GEOFF DEAN
 27
 28

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

3 **DECLARATION OF JEFFREY S. MILLER IN**
4 **SUPPORT OF GEOFF DEAN'S SUMMARY**
5 **JUDGMENT MOTION**

6 I, Jeffrey S. Miller, 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.

11 2. I have been employed by the Ventura County Sheriff's Office
12 (hereinafter referred to as "VCSO") as a sworn law enforcement officer continuously
13 and full time since March of 1995.

14 3. VCSO is an agency associated with the County of Ventura, not the City
15 of Ventura. The law enforcement agency associated with the City of Ventura is the
16 Ventura Police Department (hereinafter referred to as "VPD").

17 4. I am currently a captain assigned to the Professional Standards
18 Bureau/Internal Affairs Unit, and I have held that position since March of 2014.

19 5. The attorney for Geoff Dean, the Sheriff and head of VCSO, requested
20 my assistance in evaluating the complaint filed by Judy Anne Mikovits. He asked me
21 to determine whether VCSO had any involvement in the arrest of Judy Mikovits in
22 November of 2011.

23 6. In order to research this information, on June 19, 2015, I utilized a
24 comprehensive computer database containing records documenting all VCSO
25 contacts. The database is called the Ventura County Integrated Justice Information
26 System, known by its acronym, VCIJIS (pronounced "vuh-see-jus").

27 7. VCIJIS contains records of all VCSO law enforcement contacts and jail
28 bookings. It also provides access to the records of other County agencies, such as the

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1 Ventura Superior Court, exclusively in a read-only capacity. Sheriff's personnel can
2 input data into the VCSO aspect of VCIJIS.

3 8. VCIJIS is an important and integral item in the operation of VCSO and
4 as such, is treated seriously and information is carefully entered by authorized VCSO
5 personnel.

6 9. VCIJIS came on line in June of 2002.

7 10. In fulfilling my assignment regarding VCSO's involvement, if any, with
8 Judy Mikovits, I first attempted to ascertain whether VCSO personnel were involved
9 in Judy Mikovits' arrest.

10 11. I utilized VCIJIS to conduct a name search of Judy Mikovits, but found
11 no records of any patrol contacts.

12 12. If anyone in the organization, VCSO, had any enforcement contact with
13 Judy Mikovits, such as an arrest or the issuance of a citation, documentation would be
14 required. VCIJIS would have then divulged such a contact.

15 13. The lack of any of these records involving Judy Mikovits indicates that
16 no deputy sheriffs, or higher ranking VCSO personnel working in the field (that is,
17 not in the Custody Division), had had any contacts with her.

18 14. I next conducted a search of VCSO jail bookings under that name, Judy
19 Mikovits.

20 15. I found one recorded instance involving Judy Mikovits, booking number
21 1259336.

22 16. That record indicated that Judy Mikovits was arrested, for an out of state
23 arrest warrant, not by VCSO personnel, but rather by VPD, which is a completely
24 separate agency from VCSO, on November 18, 2011.

25 17. That same record shows that the VPD officer who arrested Judy
26 Mikovits was Officer Todd Hourigan, identification number 353.

27 18. Judy Mikovits was accepted for booking at the VCSO Pre-trial
28 Detention Facility (hereinafter referred to as PTDF) on that same date, November 18,

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1 2011.

2 19. Judy Mikovits was released from VCSO custody on November 22, 2011,
3 having been incarcerated for four days and two hours.

4 20. While in the custody of VCSO, no documentation was generated
5 suggesting that anything atypical occurred regarding Judy Mikovits.

6 21. When inmates are received for booking, they are electronically
7 fingerprinted, photographed and provided access to a telephone cell.

8 22. The telephone cell gives inmates access to make free local calls - so they
9 can contact a bail bonds company, for example, even if they have no money.

10 23. The telephone cell also allows inmates in the booking process to place
11 collect or toll calls.

12 24. During her incarceration, Judy Mikovits was transferred to the Todd
13 Road Jail (hereinafter referred to as TRJ) and housed in the general jail population for
14 female inmates. This housing provided her with additional phone access in what are
15 known as day rooms.

16 25. My VCIJIS search of the Ventura County Superior Court records
17 established that Judy Mikovits appeared in court before the Honorable Bruce A.
18 Young on November 22, 2011.

19 26. Judy Mikovits was represented by attorney Paul B. Tyler in that
20 proceeding.

21 27. The Honorable Bruce A. Young ordered that Judy Mikovits be remanded
22 to the custody of VCSO in lieu of \$100,000.00 bail. Her case was continued to
23 December 19, 2011, for an extradition hearing.

24 28. According to VCSO jail records, bail for Judy Mikovits was posted on
25 that same date, November 22, 2011, and she was released from VCSO custody on
26 that same date.

27 29. The lawsuit names the head of VCSO, Sheriff Geoff Dean. Everything I
28 have said in my declaration applies to the Sheriff as well as to all VCSO personnel.

