

1 WASHOE COUNTY
DISTRICT ATTORNEY'S OFFICE

2 MARY KANDARAS
3 Deputy District Attorney
California State Bar Number 153994
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5 (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 FIRST AMENDED
COMPLAINT**

Hearing Date: November 16, 2015

Hearing Time: 1:30 p.m.

Judge: Hon. Stephen V. Wilson

21 TO: PLAINTIFF JUDY ANN MIKOVITS:

22 Please take notice that on November 16, 2015 at 1:30 p.m., or as soon
23 thereafter as the matter may be heard, in the United States District Court for the
24 Central District of California, located at 312 North Spring Street, Los Angeles,
25 California, 90012, Room 6, Defendant Richard Gammick, District Attorney of
26 Washoe County, retired, by and through counsel Mary Kandaras, Deputy District

1 Attorney, will and hereby do move this Court to dismiss the complaint (#92)¹
2 based upon its failure to state a claim upon which relief can be granted on all
3 causes of action. In the alternative, defendant District Attorney Gammick will and
4 does seek transfer of venue to the District of Nevada.

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: August 28, 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, the foregoing was electronically filed with the United States District Court for the Central District of California. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Brian Warner Hagen, Esq.

James N. Procter, II, Esq.

Jeffrey Held, Esq.

Lisa Noel Shyer, Esq.

Robert J Liskey, Esq.

Robert M. Dato, Esq.

Sarah A. Syed, Esq.

Michael R. Hugo, Esq.

Dated this 28th day August, 2015.

/s/ C. Mendoza
C. Mendoza