

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

JUDY ANNE MIKOVITS

Plaintiff,

vs.

ADAM GARCIA, Et Al,

Defendants.

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

**AFFIDAVIT OF JUDY ANNE MIKOVITS
IN OPPOSITION TO SUMMARY JUDGMENT**

JUDY A. MIKOVITS, deposes and states as follows:

1. I am the Plaintiff in the above captioned civil action.
2. I am an adult, and reside at 140 Acacia Avenue. Carlsbad, California.
3. I have read the Memorandum in Opposition to Summary Judgment, filed herewith, and all statements in that Memorandum are verified as true and accurate.
4. I incorporate by reference all statements and arguments made in that Memorandum herein, as if stated in this Affidavit.
5. When I was terminated as an employee of the Whittemore-Peterson Institute, I was forever barred from entry into that facility.
6. At the time of my termination, all of my laboratory notebooks going back in time to the beginning of my professional career were in my office as alleged in the Amended Complaint in this action. They were locked in drawers in my desks in my two offices both of which were on the UNR campus. The keys to those drawers were in a place known to my laboratory staff.
7. As of the date and time of my termination, it would have been impossible for me to gain lawful entry to the WPI facility on the campus of the University of Nevada-Reno (UNR), which was my principle office. There were video cameras monitoring the inside and outside of that facility.
8. I did not bring my notebooks back to my California residence at the time of my termination.

9. At the time of my termination, I was living in a condominium owned by Mr. Harvey Whittemore. I returned to my condo, packed as many of my belongings as I could carry and as had any value to me, and drove back to California.
10. Among items that I left in the Condominium, was a cloth beach bag with my initials on it. It was a duplicate, and I had no need for it, as I took the other one with me.
11. During the days leading up to my November 18, 2011, arrest, I became increasingly disturbed by the repeat appearance of certain people who were unknown to me, but seemed to be everywhere that I went. I became so concerned that I took certain steps to ascertain the identities of these people.
12. As part of this inquiry, I began to suspect that I was being trailed by law enforcement officers. Because of this, I asked my civil attorney, Dennis Jones to check to see if there were any warrants for my arrest. He told me to not be ridiculous, that I was involved in a civil case, and that would not have implicated law enforcement. At 11:00 AM on November 18, 2011, Mr. Jones informed me that he had checked to see if there were any warrants, and that there were none.
13. Two hours later, I was placed under arrest by Ventura County law enforcement working with UNR police forces.
14. Upon my arrest, I observed a law enforcement officer push my elderly husband into a chair forcefully. He was forced to sit and watch as the officer placed me in handcuffs and escorted me out of the house. He was also forced to sit and watch as other officers virtually ransacked our home, dumping out drawers, emptying closets, cabinets and all our book shelves.
15. During this day, nobody would tell me what I was charged with or why I was being arrested, other than the fact that the officers were looking for a computer, which I told the officers I had a gift receipt for, as it was purchased for me as a gift by Mrs. Whittemore.
16. I was taken to the county lockup under the courthouse and placed in a holding cell, I was without my glasses and was unable to read the numbers on the wall for bail bondsmen. I asked for assistance and was told that it was not their problem but mine, and no assistance was given. I could not reach my husband as he only has a cell phone, and no calls are allowed to go to cell phones from the jail.
17. After approximately 12 hours, at 2:00 AM, I was transferred to the facility on Todd Road, and was moved a cell where I was held over the weekend, until the following Tuesday.
18. At no time was I photographed while in the Ventura County Jail or lockup.

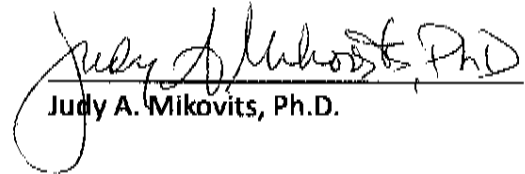
19. Nobody there would tell me what I was being held for or what I was charged with. I was only told that I would not be able to be bailed out, that there was a "bail hold" on me.
20. Upon information and belief, Mr. Whittemore had a conversation with my husband, during which he told my husband that if I would sign a confession that I had the notebooks and that I took them; and if I could get him the materials for a \$350,000.00 grant, he would have me released then and there.
21. Upon being told this, I became very emotional, as I knew for a fact that when I left Reno, I did not have the books, but I knew that Max Pfof, my lab assistant who remained in the employ of WPI at that time, had secured the notebooks. I refused to sign a false confession. And, I refused to participate in defrauding the United States Government by assisting Whittemore and WPI in fraudulently obtaining an interest in the research grant being worked on by Dr. Lipkin, one of my colleagues.
22. It was clear to me that there was an open line of communication from Whittemore or one of his colleagues or employees, to the Sheriff of Ventura County, as I was being told that Whittemore could get me out as soon as I did what he demanded.
23. On Monday afternoon, November 21st, I received a visit at my cell by two of the sheriff deputies, Mr. Steve De Cesari, and Mr. Gary Pentis. They apologized to me for how things were happening and asked me how they could do things differently in the future to avoid this from happening! To this day, I have no idea what they were referring to.
24. I am aware that on Monday afternoon, I was entitled to appear before a magistrate, and I was not allowed to do so.
25. On Tuesday, November 22, 2011, I was shackled to other women and loaded into a prison bus and taken to the Court house. I stood with the other women, as the clerk mumbled my charges inaudibly, so I still had no idea what I was being charged with. A lawyer entered a plea that I couldn't hear, and bail was set at \$100,000.
26. The bail bondsman told me that he had never seen anything like what had been happening to me in all his years working in that profession. He told me that there were many strange events associated with my incarceration.
27. After my arraignment, I was returned to the jail for several hours with no explanation and no discussion of when I would be released, having already made bail.
28. I was released at approximately 8:00 PM, with instructions to return to Reno, Nevada and to go to the Sheriff's office there and turn myself in on the following Monday, November 28, 2011.

29. Somewhere in the bail process, I left my driver's license on a photocopy machine, when a worker failed to return it to me.
30. My husband and I left Ventura County to travel to Sonoma for a family Thanksgiving dinner. While en route, I was stopped for speeding by the California Highway Patrol. I explained that I had misplaced my license and he went to run me through his dispatcher. I thought for sure there would be trouble when he determined that I had a fugitive warrant from Nevada. To my total shock, he returned to my car and confirmed that I had a clean record!
31. This was very curious, as if there was – in fact – a legitimate warrant, the police officer would have found it and would not have told me I had a clean record. This is an issue that my counsel will be exploring fully in discovery, and is likely to implicate Sheriff Dean as being part of a contrived ploy.
32. Upon appearing in Nevada, I went to my lawyer's office with instructions to appear at my lawyer's office no later than 11:00 AM, under the threat of immediate arrest if I was late.
33. We then travelled together to the Washoe County Courthouse and I was booked, printed, photographed and released in under three hours.
34. I returned to my home in California immediately upon leaving the courthouse.
35. On or about January 8, 2012, my attorney answered for me entering a plea for a crime I am not even sure of in the Superior Court in Reno. I was advised by my counsel that I was in his custody, and from that time on there were to be meetings with D.A. Gammick, which were never held.
36. On March 12, 2012, I went to my lawyer's office with proof of my innocence, and proffered that to him.
37. On March 14, 2012, Judge Adams, who presided over my criminal action so far, recused himself, citing extremely large campaign donations from Mr. Whittemore as the reason.
38. Two weeks later, my lawyer was appointed to the bench, and told me that everything was going to be fine.
39. On or about June 11, 2012, all charges were dismissed without prejudice.
40. I was told by my lawyer that I needed to do nothing illegal at all until October 16, 2015, at which time all charges would be expunged automatically. She warned me that if I did not drop all actions as to Mr. Whittemore, I would end up back in jail, but this time in Reno and I would never get out.

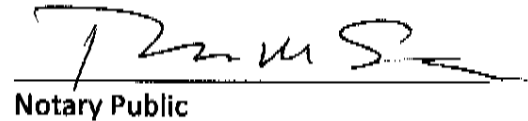
41. All above statements are true and based upon my personal knowledge, unless otherwise stated herein.

Dated: September 8, 2015

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.


Judy A. Mikovits, Ph.D.

Sworn and subscribed before me this 8th day of September, 2015.


Notary Public



THOMAS M. SAWYER
Notary Public
Commonwealth of Massachusetts
My Commission Expires
May 14, 2021