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

10
11 JUDY ANNE MIKOVITS,

12 Plaintiff,

13 vs.

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

21 Defendants.

Case No. CV 14-08909 SVW (PLAx)

Honorable Stephen V. Wilson

**DEFENDANT DEAN'S
EVIDENTIARY OBJECTIONS IN
SUPPORT OF HIS MOTION FOR
SUMMARY JUDGMENT**

Date: November 16, 2015

Time: 1:30 p.m.

Crtm: 6

*[Reply; Response to Separate
Statement; and Declaration of James S.
Eicher, Jr. filed concurrently
herewith]*

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24 TO THE CLERK OF COURT, ALL PARTIES, AND THEIR
25 ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that Defendant Sheriff Geoff Dean
27 ("Defendant") in connection with his Motion for Summary Judgment, hereby
28 submits his objections to the evidence submitted by Plaintiff in support of her

1 Opposition to Defendant's Motion.

2
3 Dated: November 2, 2015

LAWRENCE BEACH ALLEN & CHOI, PC

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5 By /s/ Paul B. Beach

6 Paul B. Beach

7 James S. Eicher, Jr.

8 Attorneys for Defendant

9 Geoff Dean
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**I. OBJECTIONS TO THE AFFIDAVIT OF JUDY ANNE MIKOVITS,
DOC. NOS. 120-2 AND 121.**

Objection to the entire Affidavit:

The subject affidavit/declaration does not comply with the Federal Code, does not state that it is signed under penalty of perjury under the laws of the United States of America. Thus, the entire document is inadmissible.

A. Paragraph 3: Vague, ambiguous, compound, lacks foundation, irrelevant, and inadmissible hearsay.

B. Paragraph 4: Vague, ambiguous, compound, lacks foundation, irrelevant, and inadmissible hearsay.

C. Paragraph 12: Irrelevant, inadmissible hearsay, lacks foundation for the conclusion it reaches/implies. It makes no difference whether on November 18, 2011, Plaintiff's civil attorney checked to see if there were any outstanding warrants for her arrest and found none. It is undisputed that an arrest warrant for Plaintiff existed at the time of her arrest on November 18, 2011.

D. Paragraph 13 ("Ventura County law enforcement working with UNR police forces."): Vague, ambiguous, irrelevant, speculative, lacks foundation for the conclusion it reaches/implies. There is no foundation that Sheriff Dean or any Ventura County Sheriff Deputies were present at the time of Plaintiff's arrest.

E. Paragraph 14: Irrelevant, argumentative. Plaintiff's husband is not a party to this action.

F. Paragraph 16 ("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."): Irrelevant, lack of foundation as to the telephone system of the Ventura County Jail and any limitations on calls to the public.

G. Paragraph 18: Irrelevant. There is no constitutional right to be photographed while in custody.

1 **H. Paragraph 19:** Irrelevant, argumentative. There is no evidence that
 2 Sheriff Dean had any involvement or contact with Plaintiff at any time during her
 3 arrest and incarceration. Also, the only admissible evidence is to the contrary.
 4 (See Declaration of Jeffrey S. Miller.)

5 **I. Paragraph 20:** Irrelevant, lack of foundation, inadmissible hearsay,
 6 argumentative, assumes facts not in evidence. The statement “upon information
 7 and belief” regarding a purported conversation between Plaintiff’s husband and
 8 Mr. Whittemore is inadmissible hearsay without any exception. The alleged
 9 statement of Mr. Whittemore is not admissible as a party admission since it was
 10 apparently relayed to Plaintiff through her husband.

11 **J. Paragraph 21:** Irrelevant, lack of foundation, argumentative,
 12 assumes facts not in evidence.

13 **K. Paragraph 22:** Irrelevant, lack of foundation, argumentative,
 14 assumes facts not in evidence. (The portion “as I was being told that Whittemore
 15 could get me out as soon as I did what he demanded” is also inadmissible
 16 hearsay.)

17 **L. Paragraph 23:** Irrelevant, argumentative, inadmissible hearsay.
 18 The alleged apology delivered by non-parties to Plaintiff during her incarceration
 19 is inadmissible hearsay and irrelevant.

20 **M. Paragraph 24:** Irrelevant, lack of foundation, speculative,
 21 argumentative, assumes facts not in evidence, improper legal opinion. The
 22 Plaintiff’s belief that she was entitled to an earlier arraignment date is not
 23 evidence and “I am aware” does not form the requisite foundation.

24 **N. Paragraph 25:** Irrelevant, argumentative, lack of foundation.

25 **O. Paragraph 26:** Irrelevant, lack of foundation, inadmissible hearsay.

26 **P. Paragraph 29:** Irrelevant.

27 **Q. Paragraph 30:** Irrelevant, lacks foundation and authentication
 28 regarding California Highway Patrol warrant check system and dispatch process

1 and whether that actually ever occurred. The purported statements from the
2 unidentified California Highway Patrol Officer are inadmissible hearsay.

3 **R. Paragraph 31:** Irrelevant, lacks proper foundation and
4 authentication, speculative, improper legal argument, and argumentative.

5 **S. Paragraph 35:** (“I was advised by my counsel that I was in his
6 custody, and from that time on there were to be meetings with D.A. Gammick,
7 which were never held.”) Irrelevant, inadmissible hearsay, assumes facts not in
8 evidence, lacks foundation.

9 **T. Paragraph 36:** Irrelevant, vague and ambiguous, argumentative,
10 lacks foundation, assumes facts not in evidence.

11 **U. Paragraph 37:** Irrelevant, argumentative, lacks foundation, assumes
12 facts not in evidence.

13 **V. Paragraph 38:** Irrelevant, argumentative, lacks foundation, assumes
14 facts not in evidence, hearsay.

15 **W. Paragraph 40:** Irrelevant, hearsay, lacks foundation, assumes facts
16 not in evidence, argumentative.

17 **X. Paragraph 41:** Lack of foundation, argumentative.

18 **II. CONCLUSION.**

19 Defendant hereby requests that the Court rule on each of Defendant’s
20 Evidentiary Objections when ruling on the instant Motion for Summary Judgment.

21
22 Dated: November 2, 2015

LAWRENCE BEACH ALLEN & CHOI, PC

23 By /s/ Paul B. Beach
24 Paul B. Beach
25 James S. Eicher, Jr.
26 Attorneys for Defendant
27 Geoff Dean
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