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and KENNETH HUNTER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

JUDY ANNE MIKOVITS,
Plaintiff,

v.

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

Defendants.

Case No. CV14-08909 SVW (PLA)

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF MOTION
TO DISMISS SECOND AMENDED
COMPLAINT BY DEFENDANTS
ADAM GARCIA, JAIME
MCGUIRE, AND KENNETH
HUNTER**

Date: February 22, 2016
Time: 1:30 p.m.
Courtroom 6

Defendants Adam Garcia, Jaime McGuire (sued as "Jamie McGuire"), and
Kenneth Hunter respectfully request that this Court take judicial notice, pursuant to
Federal Rule of Evidence 201, of the following documents in connection with their
motion to dismiss the second amended complaint in this matter:

1 1. Arrest warrant issued for plaintiff Judy Mikovits by Reno Justice of
2 the Peace Hon. Patricia A. Lynch, dated November 16, 2011, a true and correct
3 copy of which is attached as **Exhibit 1** to this request.

4 2. The amended criminal charges, dated November 17, 2011, filed
5 against Mikovits in Reno, alleging violations of NRS 205.275 (possession of stolen
6 property valued in excess of \$650.00) and NRS 205.4765 (unlawful taking of
7 computer data, equipment, supplies valued in excess of \$500), a true and correct
8 copy of which is attached as **Exhibit 2** to this request.

9 3. The docket for Superior Court of California, County of Ventura Case
10 No. 2011040771, showing that a fugitive complaint pursuant to Cal. Pen. Code
11 1551.1 was filed on Monday, November 21, 2011, following Mikovits' arrest on
12 the afternoon of Friday, November 18, 2011, a true and correct copy of which is
13 attached as **Exhibit 3** to this request.

14 The above-referenced documents are properly the subject of judicial notice
15 pursuant to Federal Rule of Evidence 201, which provides that a court may take
16 judicial notice of facts "not subject to reasonable dispute in that it is ... capable of
17 accurate and ready determination by resort to sources whose accuracy cannot
18 reasonably be questioned."

19 Therefore, moving defendants respectfully request that this Court take
20 judicial notice of the documents attached as Exhibits 1 through 3.

21 DATED: December 29, 2015

BUCHALTER NEMER
A Professional Corporation

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23
24 By: /s/ Robert M. Dato
Robert M. Dato
Sarah A. Syed

25
26 Attorneys for Defendants
ADAM GARCIA, JAIME MCGUIRE,
27 and KENNETH HUNTER
28

1 **CERTIFICATE OF SERVICE**

2

3 I am employed in the County of Orange, State of California. I am over the

4 age of 18 and not a party to the within action. My business address is at

5 BUCHALTER NEMER, A Professional Corporation, 18400 Von Karman Avenue,

6 Suite 800, Irvine, California 92612-0514.

7 On the date set forth below, I served the foregoing document described as:

8 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS**

9 **SECOND AMENDED COMPLAINT BY DEFENDANTS ADAM GARCIA, JAIME**

10 **MCGUIRE, AND KENNETH HUNTER**

11 on all other parties and/or their attorney(s) of record to this action as follows:

12 **SEE ATTACHED SERVICE LIST**

13 ☒ **BY CM/ECF SYSTEM** I certify that I caused a copy of the above

14 document to be served upon the following counsel via the court CM/ECF System

15 on December 29, 2015

16 ☐ **BY MAIL** I am readily familiar with the business' practice for collection

17 and processing of correspondence for mailing with the United States Postal Service.

18 The address(es) shown above is(are) the same as shown on the envelope. The

19 envelope was placed for deposit in the United States Postal Service at Buchalter

20 Nemer in Irvine, California on December 29, 2015. The envelope was sealed and

21 placed for collection and mailing with first-class prepaid postage on this date

22 following ordinary business practices.

23 ☒ I declare that I am employed in the office of a member of the bar of this court

24 at whose direction the service was made. Executed on December 29, 2015 at


25 Irvine, California.

26

27

28

Susie Lamarr


(Signature)

SERVICE LIST**JUDY ANNE MIKOVITS v. ADAM GARCIA, et al.
USDC CASE NO. CV14-08909 SVW (PLA)**

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