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6 *Attorney for Defendants Harvey Whittemore,*  
*Annette Whittemore, Michael Hillerby, Vincent Lombardi,*  
7 *Carli W. Kinne, UNEVX, Inc. and the Whittemore-Peterson Institute.*

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

11 JUDY ANN MIKOVITS

12 Plaintiff,

13 v.

14 ADAM GARCIA, et al.,

15 Defendants.

Case No. CV14-08909-SVU(PLA)

**NOTICE OF  
MOTION TO DISMISS**

**Hearing Date: May 4, 2015**

**Hearing Time: 1:30 p.m.**

**Judge: Hon. Steven V. Wilson**

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18 TO: PLAINTIFF JUDY ANN MIKOVITS:

19 Please take notice that on May 4, 2015 at 1:30 p.m., or as soon thereafter as the  
20 matter may be heard, in the United States District Court for the Central District of California,  
21 located at 312 North Spring Street, Los Angeles, California, 90012, Room 6, Defendants  
22 Harvey Whittemore, Annette Whittemore, Michael Hillerby, Carli W. Kinne, Vincent  
23 Lombardi, The Whittemore-Peterson Institute (“WPI”) and UNEVX, Inc., by and through  
24 counsel, Brian Warner Hagen, do hereby move this Court to dismiss the Complaint in this  
25 matter based on failure to state a claim upon which relief may be granted and on other  
26 proper grounds pursuant to Fed. R. Civ. P. 12(b)(6).  
27

28 This motion is made pursuant to the Federal Rules of Civil Procedure, and is  
Based on the Memorandum of Points and Authorities filed concurrently herewith and

1 all pleadings and papers on file and such oral argument as may be presented during the  
2 hearing of this Motion

3 Dated this 4th Day of February, 2015.

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By:   
BRIAN WARNER HAGEN

*Attorney for Defendants Harvey Whittemore,  
Annette Whittemore, Michael Hillerby, Carli W.  
Kinne, Vincent Lombardi, the WPI, and UNEVX,  
Inc.*

**CERTIFICATE OF SERVICE**

I certify that I have on this 4th day of February, 2015 I caused a second, duplicate copy of the foregoing **NOTICE OF MOTION TO DISMISS**, to be served by mailing a true copy to the following:

JUDY ANN MIKOVITS  
140 Acacia Ave. #5  
Carlsbad, CA 92008



BRIAN W. HAGEN

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