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11 GEOFF DEAN

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

14 JUDY ANNE MIKOVITS,

15 Plaintiff,

16 vs.

17 ADAM GARCIA, JAIME
18 MCGUIRE, RICHARD
19 GAMMICK, GEOFF DEAN,
20 THREE UNIDENTIFIED
21 VENTURA COUNTY SHERIFFS,
22 F. HARVEY WHITTEMORE,
23 ANNETTE F. WHITTEMORE,
24 CARLIE WEST KINNE,
25 WHITTEMORE-PETERSON
26 INSTITUTE, a Nevada Corporation,
27 UNEVX INC., a Nevada
28 Corporation, MICHAEL
29 HILLERBY, KENNETH HUNTER,
30 GREG PARI and VINCENT
31 LOMBARDI,

32 Defendants.

CASE NO. CV14-08909-SVW (PLA)

**DEFENDANT GEOFF DEAN’S
STATEMENT OF
UNCONTROVERTED FACTS AND
CONCLUSIONS OF LAW IN
SUPPORT OF SUMMARY
JUDGMENT MOTION**

[FILED CONCURRENTLY WITH MOTION
FOR SUMMARY JUDGMENT AND
PROPOSED JUDGMENT]

Date: September 21, 2015
Time: 1:30
Place: 312 Spring Street, Second Floor,
Courtroom 6

33 Defendant Geoff Dean submits this Statement of Uncontroverted Facts and
34 Conclusions of Law in support of his concurrently filed summary judgment motion.
35 This Statement is submitted in accordance with Central District Local Rule 56-1 and
36 Federal Rule of Civil Procedure 56 (c)(1)(a).

37 ///

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I.

STATEMENT OF UNCONTROVERTED FACTS

1
2
3 1. The operative events described in the First Amended Complaint,
4 transpiring on November 18, 2011 and involving obtaining a search warrant,
5 plaintiff’s arrest and the search of her home, were not conducted by nor did they
6 involve the Ventura County Sheriff’s Office or the Sheriff, Geoff Dean, himself.
7 The entire course of events was exclusively a City of Ventura police department
8 operation.

9 [Miller declaration, paragraphs 2-17 and 29-30)

10 2. The only involvement of the Sheriff’s Office, of whom Geoff Dean is
11 the elected head and the Sheriff, was in a custodial capacity as the jail.

12 [Miller declaration, paragraphs 14-15, 18]

13 3. No jail documentation suggests that plaintiff’s incarceration varied from
14 the norm: When inmates are received for booking, they are electronically
15 fingerprinted, photographed and provided access to a telephone cell. The telephone
16 cell gives inmates access to make free local calls to contact anyone they wish, even if
17 they have no money. After her housing in the general jail population at the Todd
18 Road facility, plaintiff had further telephone access in the day rooms there.

19 [Miller declaration, paragraphs 20-24]

20 4. Plaintiff was released from custody by the Ventura County Sheriff’s
21 Office on November 22, 2011, following her appearance with her attorney Paul Tyler
22 before the Honorable Bruce A. Young of the Ventura Superior Court. Judge Young
23 advised Ms. Mikovits of the charges against her, ordered that she be remanded to the
24 custody of the Sheriff’s Office in lieu of \$100,000 bail and continued plaintiff’s
25 extradition hearing to December 19, 2011.

26 [Miller declaration, paragraphs 25-28 and First Amended Complaint,
27 paragraphs 76, 90 and 106-107]
28

1 5. November 18 through November 22, 2011, was plaintiff's only
2 incarceration by the Ventura County Sheriff's Office.

3 [Miller declaration, paragraphs 14-15]

4 **II.**

5 **CONCLUSIONS OF LAW**

6 1. In that neither Sheriff Dean nor his agency, the Ventura County Sheriff's
7 Office, played any role in the events described in the complaint as having occurred on
8 November 18, 2011, issuance of a search warrant, her arrest, the search of her home,
9 improper execution of the search warrant and intimidation of her husband, Sheriff
10 Dean is entitled to prejudicial dismissal of all federal claims.

11 2. Plaintiff's claims of not having received the standard incidents of
12 incarceration are refuted by the Miller declaration as well as by the allegations of
13 plaintiff's own complaint.

14 3. Plaintiff's action is barred by the expiration of the statute of limitation
15 because her appearance and hearing in the Ventura Superior Court occurred on
16 November 22, 2011 and she was released from jail on the same date, yet the present
17 action was not filed until November 17, 2014, almost one year beyond California's
18 two year statute of limitation.

19 **III.**

20 **REVIEW BY DISTRICT JUDGE**

21 Received and reviewed by the Honorable Stephen V. Wilson, United States
22 District Judge

23
24 DATED: _____

25 _____
26 Stephen V. Wilson,
27 United States District Judge
28

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