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

ANA PATRICIA FERNANDEZ, an
individual,

Plaintiff,

v.

LOS ANGELES COUNTY, THE LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, WYATT WALDRON,
an individual, JOHN ROTH, an
individual, SUSAN O'LEARY BROWN,
an individual, ALEX VILLANUEVA, in
his Official Capacity as Sheriff of Los
Angeles County; and DOES 1-10,

Defendants.

Case No.: 2:20-cv-09876 DMG (PDx)

**DECLARATION OF ANNA M.
BARVIR IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS LOS ANGELES
COUNTY, LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT, AND
SHERIFF ALEX VILLANUEVA'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Hearing Date: January 29, 2021
Hearing Time: 9:30 a.m.
Courtroom: 8C
Judge: Hon. Dolly M. Gee

DECLARATION OF ANNA M. BARVIR

I, Anna M. Barvir, hereby declare as follows:

1. I am an attorney licensed to practice before all courts in the state of California. The law firm where I am employed, Michel and Associates, P.C., is counsel of record for Plaintiff Ana Patricia Fernandez, in the above-entitled matter. I make this declaration in support of Plaintiff's Opposition to Defendants' Motion to Dismiss. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify hereto.

2. On or about November 19, 2020, Ms. Amber Logan, counsel of record for all defendants in this matter, sent me an email me requesting that we schedule time to hold a telephonic meet-and-confer to discuss the merits of a motion to dismiss that Defendants County of Los Angeles, Los Angeles Sheriffs' Department, and Los Angeles Sheriff Alex Villanueva intended to file. She provided a summary of the grounds for her clients' forthcoming motion, including the argument that "[t]he seizure of the guns pursuant to a warrant does not offend the Constitution."

3. Later that day, I responded to Ms. Logan via email, explaining that we disagreed with her stated grounds for moving to dismiss and offering to discuss the matter further with her via telephone or videoconference. I ultimately conferred with Ms. Logan via telephone on November 20, 2020.

4. During the November 20, 2020 telephone conference, I confirmed with Ms. Logan that her position that "[t]he seizure of the guns pursuant to a warrant does not offend the Constitution" meant that her clients would argue that because the firearms were seized pursuant to a valid warrant, Plaintiff Patricia Fernandez had failed to state a claim under the Fourth Amendment. Ms. Logan confirmed that this was the issue.

5. I responded that Fernandez's Fourth Amendment claim was *not* challenging the validity of the warrant or the initial seizure. Rather, I told her, the claim stemmed from Defendants' failure to return the firearms promptly once Mr. Fernandez died and the damage done to the property while it was under Defendants' control. Ms. Logan seemed

1 to understand the distinction, but did not then suggest she would withdraw her argument
2 that no Fourth Amendment claim is valid here, where the seizure was made pursuant to a
3 valid warrant.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed on January 8, 2021, at Stanton, California.

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8 Anna M. Barvir
9 Declarant
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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Fernandez, v. Los Angeles County, et al.*
Case No.: 2:20-cv-09876 DMG (PDx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS LOS ANGELES COUNTY, LOS ANGELES
COUNTY SHERIFF'S DEPARTMENT, AND SHERIFF ALEX VILLANUEVA'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Henry Patrick Nelson
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Amber A. Logan
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Nelson & Fulton
3435 Wilshire Blvd., Suite 2800
Los Angeles, CA 90010

*Attorneys for Defendants Los Angeles County,
The Los Angeles County Sheriff's Department,
Alex Villanueva, and Susan O'Leary Brown*

I declare under penalty of perjury that the foregoing is true and correct.

Executed January 8, 2021.

s/ Laura Palmerin
Laura Palmerin