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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANA PATRICIA FERNANDEZ, an
individual,

Plaintiff,

v.

LOS ANGELES COUNTY, et al.,

Defendants.

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

JOINT RULE 26(f) REPORT

On December 13, 2022, Plaintiff Ana Patricia Fernandez (“Plaintiff”) and Defendants Los Angeles County, Wyatt Waldron, and John Roth (“Defendants”) (collectively “the Parties”), through their counsel of record, held a conference pursuant to Federal Rule of Civil Procedure 26(f), Central District Local Rule 26-1, and this Court’s November 9, 2022 Order Re: Scheduling Meeting of Counsel and Scheduling Conference (ECF No. 58), as well as this Court’s November 21, 2022 Order Continuing Scheduling Conference and Rule 26 Meeting Deadlines (ECF No. 60). During that conference, counsel for the Parties discussed all matters required by Rule 26(f), Local Rule 26-1, and the orders of this Court.

The Parties hereby submit this Joint Rule 26(f) Report in advance of the Scheduling Conference set for January 13, 2023.

I. RULE 26(f) DISCOVERY ISSUES

A. Initial Disclosures (FRCP 26(f)(3)(A))

The Parties agree to extend the deadline for exchanging initial disclosures required by Rule 26(a) to January 6, 2023. The Parties agree that no other changes to the form or the require to exchange initial disclosures are necessary.

B. Preservation of Discoverable Information (11/9/22 Order (ECF No. 58))

The Parties have discussed the preservation of discoverable information as required by this Court’s November 9, 2022 Order. The Parties agree to discuss with their respective clients that all discoverable documents, materials, and information shall be maintained and preserved and not destroyed while this case is pending.

C. Anticipated Scope of Discovery (FRCP 26(f)(3)(B))

Pursuant to Rule 26(f)(3)(B), the Parties agree that discovery will be conducted on the allegations and claims contained within Plaintiff’s First Amended Complaint and the denials and defenses raised in Defendants’ Answer. The Parties intend to propound written discovery in the form of interrogatories, requests for production, and requests for admission as authorized by the Federal Rules. The parties also intend to conduct the depositions of the parties and various third parties (including expert and lay witnesses).

1 The Parties agree that discovery need not be conducted in phases, and that
2 discovery will not be limited to particular issues.

3 Plaintiff

4 Some of the central issues of this case turn on legal determinations and not factual
5 findings and are thus not fact-discovery intensive. But several claims turn on factual
6 questions about the condition of Plaintiff's property at seizure, how the seizure was
7 conducted and how Plaintiff's seized property was transported and stored, who was
8 responsible for the damage Plaintiff alleges that her property sustained, when the alleged
9 damage was sustained, and any policies or training on property seizure and storage that
10 Defendants might maintain. Plaintiff intends to propound written discovery and conduct
11 party and third-party witness depositions about these issues. Plaintiffs also intend to
12 disclose experts on firearms valuation and relevant police practices.

13 Defendants

14 Defendants intend to propound written discovery and to take depositions regarding
15 the purchase, storage, maintenance and value of the seized property alleged to have been
16 damaged. Defendants intend to conduct third-party discovery to verify the alleged value,
17 and appraisals of the property claimed to have been damaged. The defendants intend to
18 defend the depositions and discovery taken by the plaintiff. The defendants intend to
19 conduct written discovery and depositions of any expert witnesses identified in this case.

20 **D. Electronically Stored Information (FRCP 26(f)(3)(C))**

21 In accordance with Rule 26(f)(3)(C), the Parties have discussed electronically
22 stored information. As guiding principles, the Parties agree to meet and confer in good
23 faith concerning issues that arise with respect to the disclosure or discovery of
24 electronically stored information, and to use their best efforts to produce electronically
25 stored information in the format preferred by the requesting party, including reasonable
26 requests for production of such information with metadata intact.

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E. Privilege Issues (FRCP 26(f)(3)(D))

In accordance with Rule 26(f)(3)(D), the Parties have discussed privilege and protection issues. At this time, the Parties agree there is no need for a protective order. If such a need arises, the Parties agree to meet and confer in good faith to discuss the terms of a protective order and preserve their rights to seek such orders from the Court.

F. Changes to Discovery Limitations (FRCP 26(f)(3)(E))

The Parties agree to suspend the 10-deposition limitation imposed by Rule 30(a)(2)(A)(i). According to this agreement, the Parties may take up to 20 depositions without leave of court. The Parties reserve the right to seek leave of Court to exceed this stipulated limitation if necessary.

The Parties do not currently anticipate any other changes to the rules on discovery limitations and adopt the default limitations on discovery imposed by the Federal Rules of Civil Procedure, local rules, and applicable case law. The Parties reserve the right to seek leave of Court to exceed these discovery limitations if necessary.

G. Other Discovery & Scheduling Orders (FRCP 26(f)(3)(F))

In accordance with Rule 26(f)(3)(F), the Parties have discussed the need for other discovery or scheduling orders under Rules 26(c), 16(b), and 16(c). The Parties do not currently request any other orders, though they may seek additional orders as discovery proceeds and if the need arises.

H. Proposed Discovery Schedule (C.D. Local Rule 26-4(f); 11/9/22 Order (ECF No. 58))*

The Parties propose the following discovery deadlines:

Exchange of Initial Disclosures	January 6, 2023
Initial Expert Disclosures & Report	August 9, 2023
Rebuttal Expert Disclosures & Report	September 8, 2023
Expert Discovery Cut-Off	October 6, 2023

* For the Parties' full list of proposed deadlines, see Exhibit A attached hereto.

Non-Expert Discovery Cut-Off

October 6, 2023

II. PROPOSED MOTION SCHEDULE (C.D. LOCAL RULE 21-1(b))

Plaintiff's Position

Plaintiffs anticipate filing a motion for summary judgment and/or motion for partial summary judgment. Plaintiff requests that the deadline for dispositive motions be set for November 21, 2023.

Defendants' Position

The defendants intend to file a motion for summary judgment or for partial summary judgment. The defendants concur in the proposed deadline of November 21, 2023 for the filing of said motions.

III. SETTLEMENT EFFORTS (11/9/22 ORDER (ECF No. 58)); SELECTION OF ADR PROCEDURES (C.D. LOCAL RULE 21-1(c))

To date, the Parties have not engaged in any efforts to settle or otherwise resolve this matter. The Parties discussed the potential for settlement at the Rule 26 conference, and they remain amenable to further settlement discussions. If ADR is mandated by this Court or the Parties wish to engage in ADR, the Parties agree to Procedure No. 1 (i.e., settlement conference before the district judge or magistrate judge assigned to the case).

IV. TRIAL ESTIMATE (C.D. LOCAL RULE 21-1(d)); FINAL PRETRIAL CONFERENCE (11/9/22 ORDER (ECF No. 58))

The Parties anticipate that the trial should take 4-5 days. The Parties request that this Court set the Final Pretrial Conference for February 27, 2024.

V. ADDITIONAL PARTIES TO BE ADDED (C.D. LOCAL RULE 21-1(e))

Neither party intends to add additional parties at this time.

VI. TRIAL TYPE (11/9/22 ORDER (ECF No. 58))

The Parties have both demanded and agreed that the trial will be by jury.

VII. OTHER ISSUES AFFECTING THE STATUS OR MANAGEMENT OF THE CASE

None.

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VIII. PROPOSALS RE: SEVERANCE, BIFURCATION, OR OTHER ORDERING OF PROOF

The Parties agree that there is no reason to sever or bifurcate any of the remaining issues at this time.

IX. PRINCIPAL ISSUES IN THE CASE

Plaintiff's Statement of Issues

(1) Second Claim for Relief (Violation of Fourth Amendment): Whether the County violated Plaintiff's Fourth Amendment right to be free from unlawful seizures by imposing a fee before releasing seized firearms to a rightful non-indicted owner?

(2) Second Claim for Relief (Violation of Fourth Amendment): Whether Defendants Waldron and Roth violated Plaintiff's Fourth Amendment right to be free from unlawful seizures by damaging her firearm property during the initial seizures?

(3) Third Claim for Relief (Negligence): Whether Defendants County, Waldron, and Roth negligently breached their legal duty to use due care in transporting and storing Plaintiff's seized property causing damage to Plaintiff's seized property and resulting in lost value to that property?

(4) Fourth Claim for Relief (Breach of Bailment): Whether Defendants County, Waldron, and Roth, who had sole actual and physical possession and custody of Plaintiff's seized property, breached their bailment of Plaintiffs' seized property by failing to adequately care for the property during transportation and storage, causing damage to Plaintiff's seized property?

(5) Fifth Claim for Relief (Trespass to Chattels): Whether Defendants County, Waldron, and Roth wrongfully interfered with Plaintiff's interest in her firearm property, by their refusal to return said property until Plaintiff agreed to pay (and did pay) an excessive fine and by causing significant damage to said property?

Defendants' Statement of Issues

(1) Plaintiff's Second Claim for Relief (Violation of Fourth Amendment): Whether the Plaintiff's evidence proves that the County violated Plaintiff's Fourth Amendment right to be free from unlawful seizures by imposing a fee before releasing

1 seized firearms to a rightful non-indicted owner? Whether the County of Los Angeles
2 maintained an unconstitutional policy which was the moving force behind the alleged
3 Fourth Amendment violation?

4 (2) Plaintiff's Second Claim for Relief (Violation of Fourth Amendment):
5 Whether Defendants Waldron and Roth violated Plaintiff's Fourth Amendment right to be
6 free from unlawful seizures by damaging her firearm property during the initial seizures?
7 Whether Defendants Waldron and Roth are entitled to qualified immunity for the conduct
8 alleged to have caused a violation of the Plaintiff's Fourth Amendment rights?

9 (3) Plaintiff's Third Claim for Relief (Negligence): Whether the Plaintiff's
10 evidence proves that Defendants County, Waldron, and Roth owed the Plaintiff a legal
11 duty of care when seizing, storing and transporting the property seized in this case?
12 Whether the defendants breached said duty of care? Whether the Plaintiff sustained
13 damage to the seized property? Whether the defendants were the legal and proximate
14 cause of the damage to the seized property? Whether the Plaintiff or other persons caused
15 or contributed to the alleged damage to the seized property? Whether there should be an
16 apportionment of fault and or contribution for the damages to the seized property?
17 Whether the defendants are entitled to immunity for reasonable conduct, the exercise of
18 discretion, damages resulting from the investigation of a crime, and the execution of a
19 public statute pursuant to Government Code sections 820.4, 820.2, 821.6, as well as other
20 provisions of the Government Claims Act?

21 (4) Plaintiff's Fourth Claim for Relief (Breach of Bailment): Whether the
22 Plaintiff's evidence proves that Defendants County, Waldron, and Roth, entered into a
23 bailment with regard to the seizure of the property in question? Whether the defendants
24 breached the bailment of the seized property? Whether the defendants are entitled to
25 immunity for reasonable conduct, the exercise of discretion, damages resulting from the
26 investigation of a crime, and the execution of a public statute pursuant to Government
27 Code sections 820.4, 820.2, 821.6, as well as other provisions of the Government Claims
28 Act?

(5) Plaintiff's Fifth Claim for Relief (Trespass to Chattels): Whether the Plaintiff's evidence proves that Defendants County, Waldron, and Roth wrongfully interfered with Plaintiff's interest in the seized property, by their refusal to return said property until Plaintiff paid the statutory fee? Whether the Plaintiff's evidence proves that Defendants County, Waldron, and Roth wrongfully interfered with Plaintiff's interest in the seized property by causing significant damage to said property? Whether the defendants are entitled to immunity for reasonable conduct, the exercise of discretion, damages resulting from the investigation of a crime, and the execution of a public statute pursuant to Government Code sections 820.4, 820.2, 821.6, as well as other provisions of the Government Claims Act?

X. AMENDMENTS TO THE PLEADINGS

Neither party anticipates further amendments to the pleadings at this time, but each party reserves their right to stipulate to or move this Court for leave to amend in the future.

XI. ISSUES THAT MAY BE DETERMINED BY MOTION

Plaintiff's Position

Plaintiff believes that her claim against the County for violating the Fourth Amendment by imposing a fee before releasing the firearms to a rightful non-indicted owner may be able to be determined by motion. It is also possible, but perhaps less likely, that the remaining claims against Defendants Waldron and Roth for violating the Fourth Amendment by damaging her property during the initial seizures and the state law claims against all remaining Defendants may also be determined by motion.

Defendants' Position

The defendants believe that the issues of Monell liability and Qualified immunity on each of the Fourth Amendment claims can be resolved by motion. The defendants also believe that the issues of statutory duties of care, and statutory immunities under the California Government Claims Act can also be resolved by motion.

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XII. CONSENT TO MAGISTRATE JUDGE

The Parties do not agree to consent to a Magistrate Judge presiding over this action for all purposes, including trial.

Dated: December 29, 2022

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir

Anna M. Barvir
Counsel for Plaintiff Ana Patricia
Fernandez

Dated: December 29, 2022

LOGAN MATHEVOSIAN & HUR, LLP

/s/ Amber A. Logan

Amber A. Logan
Attorney for Defendants County of Los
Angeles, Wyatt Waldron, and John Roth

ATTESTATION OF E-FILED SIGNATURES

I, Anna M. Barvir, am the ECF User whose ID and password are being used to file this JOINT RULE 26(f) REPORT. In compliance with Central District of California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

Dated: December 29, 2022

/s/ Anna M. Barvir

Anna M. Barvir

SCHEDULE OF PRETRIAL & TRIAL DATES WORKSHEET

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

Case Name: *Fernandez v. County of Los Angeles, et al.*

MATTER	JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE	TIME
TRIAL <input type="checkbox"/> Court <input checked="" type="checkbox"/> Jury	March 26, 2024	8:30 a.m.
Duration Estimate:	(Tuesday)	
FINAL PRETRIAL CONFERENCE ("FPTC")	February 27, 2024	2:00 p.m.
4 wks before trial	(Tuesday)	

MATTER	TIME COMPUTATION	JOINT REQUESTED DATE
Amended Pleadings & Addition of Parties Cut-Off (includes hearing of motions to amend)	90 days after scheduling conf	4/13/2023
Non-Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 14 wks before FPTC	10/6/2023
Motion Cut-Off (filing deadline)	at least 13 wks before FPTC	11/21/2023
Initial Expert Disclosure & Report Deadline	at least 9 wks before FPTC	8/9/2023
Rebuttal Expert Disclosure & Report Deadline	at least 5 wks before FPTC	9/8/2023
Expert Discovery Cut-Off (includes hearing of discovery motions)	at least 3 wks before FPTC	10/6/2023
Settlement Conference Completion Date	at least 4 wks before FPTC	1/30/2024
Motions in Limine Filing Deadline	at least 3 wks before FPTC	2/6/2024
Opposition to Motion in Limine Filing Deadline	at least 2 wks before FPTC	2/13/2024
Other: L.R. 16-2 Meeting of Counsel Deadline	at least 40 days before FPTC	1/18/2024

EXHIBIT A

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:

JOINT RULE 26(f) REPORT

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


Amber A. Logan
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Logan Mathevosian & Hur LLP
3435 Wilshire Blvd., Suite 2740
Los Angeles, CA 90010

*Attorneys for Defendants Los Angeles County,
Wyatt Waldron, and John Roth*

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

Executed December 29, 2022.



Laura Palmerin