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Attorney for Defendants, County of Los Angeles
Deputy John Roth and Deputy Wyatt Waldron

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANA PATRICIA FERNANDEZ,
an individual

Plaintiff,

vs.

LOS ANGELES COUNTY, et al.,

Defendants.

) CASE NO. 2:20-cv-9876-DMG-PDx

)

) **DEFENDANTS COUNTY OF**

) **LOS ANGELES, DEPUTIES JOHN**

) **ROTH AND WYATT WALDRON'S**

) **NOTICE OF MOTION AND MOTION**

) **FOR SUMMARY JUDGMENT OR**

) **PARTIAL SUMMARY JUDGMENT**

)

) [F.R.C.P., Rule 56]

)

) *[Served concurrently with the Statement of*

) *Uncontroverted Facts and Conclusions of*

) *Law; Memorandums of Law; Declaration*

) *and Exhibits; Notice of Lodging]*

)

) Date: April 5, 2024

) Time: 2:00 p.m.

) Place: Courtroom 8C

) Judge: Hon. Dolly M. Gee

TO THE PLAINTIFF AND TO HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT ON April 5, 2024 at 2:00 p.m., in Courtroom 8C
of the United States District Court, located at 350 W. 1st Street, Los Angeles, CA 90012,
Defendants COUNTY OF LOS ANGELES, JOHN ROTH and WYATT WALDRON will

1 and hereby does, move for summary judgment or in the alternative partial summary
2 judgment of the claims alleged in this case pursuant to Fed. R. Civ. Proc. 56. This motion
3 shall be made on the grounds that there are no genuine issues of material fact remaining to
4 be tried in this case and the defendants are entitled to judgment as a matter of law.

5 In the alternative, **Defendant County of Los Angeles** will seek partial summary
6 judgment of the following claims and issues:

7
8 1. The Plaintiff will offer no evidence to prove that the firearm fee assessed by the
9 County was unreasonable under the Fourth Amendment.

10 2. The Plaintiff can allege no legal duty of care owed to her by the County of Los
11 Angeles to support a claim for negligence, nor that the County's employees breached as
12 duty and were the proximate cause of her alleged damages.

13
14 3. The Plaintiff will offer no evidence to prove that a bailment existed between
15 her and the County nor that it was breached.

16 4. The Plaintiff will offer no evidence that the County is liable for trespass to
17 chattels.

18 5. The Plaintiff is not entitled to declaratory relief.

19
20 6. The Plaintiff cannot recover punitive damages from the County of Los Angeles,
21 a public entity.

22 **Defendants John Roth and Wyatt Waldron** will seek partial summary judgment
23 of the following claims and issues:

24 1. The Defendants are entitled to qualified immunity from suit on the Plaintiff's
25 Fourth Amendment claim as they neither violated the United States Constitution, nor any
26 clearly established law.
27

1 2. The Plaintiff can offer no evidence to prove her claim for negligence.

2 Specifically, Plaintiff will offer no evidence that deputies Roth and Waldron breached a duty
3 of care owed to her, nor that their actions were the proximate cause of her alleged damages.

4 3. The Plaintiff will offer no evidence to prove her claim for breach of a bailment
5 contract.

6 4. The Plaintiff will offer no evidence to prove her claim for trespass to chattels.

7 5. The Plaintiff is not entitled to declaratory relief.

8 This motion shall be supported by this Notice, the Memorandums of Law,
9 Statement of Uncontroverted Facts and Conclusions of Law, all evidence and Exhibits, all
10 pleadings and papers filed in this action, in addition to all arguments made at the time of
11 the hearing.
12

13
14 **MEET AND CONFER REQUIREMENTS**

15 On Monday, February 26, 2024, I telephoned Plaintiff's counsel Anna Barvir to
16 discuss this motion. She was unavailable so I left a message. I then sent Ms. Barvir a
17 detailed email informing her of this motion for summary judgment and setting forth the
18 grounds, therefore. Ms. Barvir returned my call the same day. We discussed the motion but
19 were unable to resolve any of the issues.
20

21
22 DATED: March 6, 2024

LOGAN MATHEVOSIAN & HUR LLP

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24 By: s / Amber A. Logan
25 AMBER A. LOGAN
26 Attorneys for Defendants,
27 County of Los Angeles, et al.
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