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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: May 10, 2024

)

) Time: 2:00 p.m.

)

) Place: Courtroom 8C

)

) Judge: Hon. Dolly M. Gee

TO THE PLAINTIFF AND TO HER ATTORNEY OF RECORD:

1 PLEASE TAKE NOTICE THAT ON May 10, 2024 at 2:00 p.m., in  
2 Courtroom 8C of the United States District Court, located at 350 W. 1<sup>st</sup> Street, Los  
3 Angeles, CA 90012, Defendants COUNTY OF LOS ANGELES, JOHN ROTH and  
4 WYATT WALDRON will and hereby does, move for summary judgment or in the  
5 alternative partial summary judgment of the claims alleged in this case pursuant to  
6 Fed. R. Civ. Proc. 56. This motion shall be made on the grounds that there are no  
7 genuine issues of material fact remaining to be tried in this case and the defendants  
8 are entitled to judgment as a matter of law.  
9  
10

11 In the alternative, **Defendant County of Los Angeles** will seek partial  
12 summary judgment of the following claims and issues:  
13

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

16 2. The Plaintiff can allege no legal duty of care owed to her by the County of  
17 Los Angeles to support a claim for negligence, nor that the County's employees  
18 breached as duty and were the proximate cause of her alleged damages.  
19

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

22 4. The Plaintiff will offer no evidence that the County is liable for trespass to  
23 chattels.  
24

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

26 /////  
27  
28

1           6. The Plaintiff cannot recover punitive damages from the County of Los  
2 Angeles, a public entity.

3           **Defendants John Roth and Wyatt Waldron** will seek partial summary  
4 judgment of the following claims and issues:  
5

6           1. The Defendants are entitled to qualified immunity from suit on the  
7 Plaintiff's Fourth Amendment claim as they nether violated the United States  
8 Constitution, nor any clearly established law.

9           2. The Plaintiff can offer no evidence to prove her claim for negligence.  
10 Specifically, Plaintiff will offer no evidence that deputies Roth and Waldron breached  
11 a duty of care owed to her, nor that their actions were the proximate cause of her  
12 alleged damages.  
13

14           3. The Plaintiff will offer no evidence to prove her claim for breach of a  
15 bailment contract.  
16

17           4. The Plaintiff will offer no evidence to prove her claim for trespass to  
18 chattels.  
19

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

21           This motion shall be supported by this Notice, the Memorandums of Law,  
22 Statement of Uncontroverted Facts and Conclusions of Law, all evidence and  
23 Exhibits, all pleadings and papers filed in this action, in addition to all arguments  
24 made at the time of the hearing.  
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26           //////  
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**MEET AND CONFER REQUIREMENTS**

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

DATED: March 22, 2024

LOGAN MATHEVOSIAN & HUR LLP

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