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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)

**DECLARATION OF ANNA M.
BARVIR IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: May 10, 2024
Hearing Time: 2:00 p.m.
Courtroom: 8C
Judge: Hon. Dolly M. Gee

DECLARATION OF ANNA M. BARVIR

1
2 1. I am an attorney at the law firm Michel & Associates, P.C., attorneys of
3 record for Plaintiff Ana Patricia Fernandez in the above-entitled matter. I am licensed to
4 practice law before the United States District Court for the Central District of California. I
5 am also admitted to practice before the courts of the state of California, the Eastern,
6 Northern, and Southern Districts of California, the D.C., Fourth, Seventh, Ninth, and
7 Tenth Circuit Courts of Appeals, and the Supreme Court of the United States. I make this
8 declaration in support of Plaintiff's Opposition to Defendants' Motion for Summary
9 Judgment. I have personal knowledge of the facts set forth herein, and if called as a
10 witness, I could and would competently testify hereto.

11 2. On January 6, 2023, Plaintiff served Defendants with Plaintiffs' Disclosure of
12 Expert Witnesses in this matter. The Expert Report of Ms. Carol Watson of Carol
13 Watson's Orange Coast Auctions was attached as an exhibit to the Plaintiffs' disclosure.
14 A true and correct copy of Ms. Watson's expert report, as appended to Plaintiff's
15 Disclosure of Expert Witnesses, is attached as Exhibit D to the declaration of Carol
16 Watson, filed simultaneously herewith.

17 3. On or about November 11, 2019, Deputy County Counsel Lana Choi sent an
18 email to Matthew D. Cubeiro, counsel for Plaintiff in this action, attaching the Statement
19 of Proceedings of the November 22, 2005 meeting of the Los Angeles County Board of
20 Supervisors, as well as supporting documents and the final action regarding the adoption
21 of the \$54 administrative fee for the release of firearms. In the ordinary course of
22 business, Mr. Cubeiro saved that email and all attachments to our firm's electronic
23 document management system, IMANAGE. On or about January 6, 2023, Plaintiff served
24 her Rule 26(a)(1) Initial Disclosures on Defendants. In that initial production, Plaintiff
25 included a copy of these public records, which are also available for download at
26 <https://bos.lacounty.gov/services/records-of-the-board/>, the official Records Management
27 Section of the L.A. County Board of Supervisors. On or about April 10, 2024, I viewed,
28 pulled, and printed a copy of these records from IMANAGE. A true and correct copy is

1 attached as **Exhibit E**.

2 4. On or about July 20, 2018, my office received discovery in the matter of
3 *People v. Fernandez*, Case No. MA074332. In the ordinary course of business, my
4 administrative assistant would have immediately saved the document to our firm's
5 electronic document management system, IMANAGE. In the discovery file was a copy of
6 the July 16, 2018 State of California Department of Justice, Division of Law Enforcement,
7 Bureau of Firearms Investigation Report (Investigation #BOF-LA2018-00617). On or
8 about April 10, 2024, I viewed, pulled, and printed a copy of the DOJ Investigation Report
9 from IMANAGE. A true and correct copy is attached as **Exhibit F**.

10 5. Also in the *People v. Fernandez* discovery file was a copy of LASD
11 Evidence & Property Page – Palmdale Station (URN FILE # 918-08710-2646-151). On or
12 about April 10, 2024, I viewed, pulled, and printed a copy of the LASD Evidence &
13 Property Page from IMANAGE. A true and correct copy is attached as **Exhibit G**.

14 6. On or about January 6, 2023, Defendants served my office with a copy of
15 Defendants' F.R.C.P. Rule 26(a)(1) Initial Disclosures. In the ordinary course of business,
16 my administrative assistant would have immediately saved the document to our firm's
17 electronic document management system, IMANAGE. On or about April 10, 2024, I
18 viewed, pulled, and printed Defendants' F.R.C.P. Rule 26(a)(1) Initial Disclosures, from
19 IMANAGE. A true and correct copy is attached as **Exhibit H**.

20 7. On or about July 13, 2023, I directed my secretary to serve Plaintiff's Special
21 Interrogatories to Defendant Los Angeles County, Set One, via e-mail to Defendants'
22 counsel of record, Ms. Amber Logan.

23 8. On or about August 25, 2023, Defendants served my office with a copy of
24 Defendant Los Angeles County's Response to Plaintiff's Interrogatories, Set One. In the
25 ordinary course of business, my administrative assistant would have immediately saved
26 the document to our firm's electronic document management system, IMANAGE. On or
27 about April 10, 2024, I viewed, pulled, and printed Defendant Los Angeles County's
28 Response to Plaintiff's Interrogatories, Set One, from IMANAGE. A true and correct copy

1 is attached as **Exhibit I**.

2 9. On or about October 27, 2023, Defendants served my office with a copy of
3 Defendant Los Angeles County's Supplemental Response to Plaintiff's Interrogatories,
4 Set One. In the ordinary course of business, my administrative assistant would have
5 immediately saved the document to our firm's electronic document management system,
6 IMANAGE. On or about April 10, 2024, I viewed, pulled, and printed Defendant Los
7 Angeles County's Supplemental Response to Plaintiff's Interrogatories, Set One from
8 IMANAGE. A true and correct copy is attached as **Exhibit J**.

9 10. On or about July 13, 2023, I directed my secretary to serve Plaintiff's
10 Request for Production of Documents to Defendant Los Angeles County, Set One, via
11 electronic mail to Defendants' counsel of record, Ms. Amber Logan.

12 11. On or about August 28, 2023, Defendants served my office with a copy of
13 Defendant Los Angeles County's Response to Plaintiff's Requests for Production of
14 Documents, Set One. In the ordinary course of business, my administrative assistant
15 would have immediately saved the document to our firm's electronic document
16 management system, IMANAGE. On or about April 10, 2024, I viewed, pulled, and
17 printed Defendant Los Angeles County's Response to Plaintiff's Requests for Production
18 of Documents, Set One from IMANAGE. A true and correct copy is attached as **Exhibit**
19 **K**.

20 12. On or about August 25, 2023, Defendants also served my office via e-mail
21 with a series of files in response to Plaintiff's Request for Production of Documents to
22 Defendant Los Angeles County, Set One. In the ordinary course of business, my
23 administrative assistant would have immediately downloaded the attached files and saved
24 them to our firm's electronic document management system, IMANAGE. Attached to the
25 Defendants' August 25, 2023, e-mail production of documents was a copy of selected
26 pages from the Los Angeles Sheriff's Department's Manual of Policy and Procedures
27 (printed August 24, 2023). On or about April 10, 2024, I viewed, pulled, and printed the
28 selected pages from the Los Angeles Sheriff's Department's Manual of Policy and

1 Procedures from IMANAGE. A true and correct copy is attached as **Exhibit L**.

2 13. Also attached to the Defendants' August 25, 2023, e-mail production of
3 documents was a copy of the L.A. Sheriff's Department POS Item Price List (printed
4 March 18, 2019). On or about April 10, 2024, I viewed, pulled, and printed the L.A.
5 Sheriff's Department POS Item Price List from IMANAGE. A true and correct copy is
6 attached as **Exhibit M**.

7 14. Also attached to the Defendants' August 25, 2023, e-mail production of
8 documents was a selection of photographs related to the searches and seizures and the
9 firearms at issue in this lawsuit. On or about April 10, 2024, I viewed, pulled, and printed
10 these photographs from IMANAGE. A true and correct copy is attached as **Exhibit N**.
11 Due to the size of the file, Exhibit N had to be separated into four separate files (N-1, N-2,
12 N-3, N-4) in order to be filed via ECF.

13 15. Also attached to the Defendants' August 25, 2023, e-mail production of
14 documents were copies of receipts and a check for the payment of the LASD storage fee
15 for the release of firearms to Carol Watson's Orange Coast Auctions. On or about April
16 10, 2024, I viewed, pulled, and printed copies of the receipts and check from IMANAGE.
17 A true and correct copy is attached as **Exhibit O**.

18 16. On or about October 6, 2023, Defendants served my office with a copy of
19 Defendant Los Angeles County's Supplemental Response to Plaintiff's Requests for
20 Production of Documents, Set One. In the ordinary course of business, my administrative
21 assistant would have immediately saved the document to our firm's electronic document
22 management system, IMANAGE. On or about April 10, 2024, I viewed, pulled, and
23 printed Defendant Los Angeles County's Supplemental Response to Plaintiff's Requests
24 for Production of Documents, Set One from IMANAGE. A true and correct copy is
25 attached as **Exhibit P**.

26 17. On December 9, 2019, Matthew D. Cubeiro, my co-counsel, exchanged
27 email communications with Lt. Joshua A. Bardon and Property Custodian Susan O'Leary
28 Brown, informing them that Plaintiff would pay the County's full administrative fee under

1 protest. In the ordinary course of business, Mr. Cubeiro saved that correspondence to our
2 firm's electronic document management system, IMANAGE. On or about April 10, 2024,
3 I viewed, pulled, and printed a copy of these communications from IMANAGE. A true
4 and correct copy is attached as **Exhibit Q**.

5 18. On or about December 9, 2019, sent a letter to Deputy County Counsel Lana
6 Choi, informing her that Plaintiff would pay the County's full administrative fee under
7 protest and that Plaintiff remains open to negotiating a lower total fee. In the ordinary
8 course of business, Mr. Cubeiro saved that correspondence to our firm's electronic
9 document management system, IMANAGE. On or about April 10, 2024, I viewed, pulled,
10 and printed a copy of this communication from IMANAGE. A true and correct copy is
11 attached as **Exhibit R**.

12 19. On or about February 27, 2020, my office prepared and presented a
13 Government Tort Claim to the County of Los Angeles, Board of Supervisors, on Ms.
14 Fernandez's behalf. On or about April 28, 2020, my office received the denial of Ms.
15 Fernandez's Government Tort Claim from Joseph A. Langton, Principal Deputy County
16 Counsel, Litigation Monitoring Team. In the ordinary course of business, my
17 administrative assistant would have immediately saved the document to our firm's
18 electronic document management system, IMANAGE. On or about April 10, 2024, I
19 viewed, pulled, and printed the denial from IMANAGE. A true and correct copy is
20 attached as **Exhibit S**.

21 20. A true and correct copy of the estate plan of my client, Ana Patricia
22 Fernandez, and her late husband, Manuel Fernandez, including a copy of The Fernandez
23 Trust (dated March 16, 2018) and the Last Will and Testament of Manuel Fernandez
24 (dated September 12, 2018) is attached as **Exhibit T**.

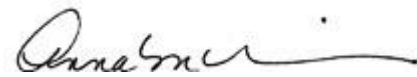
25 21. Having conducted a comprehensive review of Defendants' Statement of
26 Uncontroverted Facts & Conclusions of Law, Defendants' memorandum of points and
27 authorities and evidence in support of summary judgment, as well as Plaintiff's Statement
28 of Genuine Disputes of Material Fact and additional evidence submitted in support of

Plaintiff's opposition, I was able to identify administrative tasks performed (and the hours spent engaged in those tasks) and separate them from law-enforcement functions and non-administrative tasks (and the hours spent engaged in those tasks). I also identified several estimates of hours claimed by Defendants that were either duplicative, unknown, unreasonable, or unsupported by admissible evidence. *See, e.g.*, RSUMF Nos. 36, 41-42, 50, 57, 60. To assist the Court in combing through the extensive evidence and argument, I prepared the chart below (Fig. A):

Fig. A

SUMF	Administrative Task	Claimed Hrs	Supported Hrs	Mins/Gun
36	Palmdale Processing/Entry – PRELIMS	128	33	5 mins
41	Palmdale Processing/Entry – AFS	82	37.5	5 mins
42	O'Leary Brown Misc. Tasks	180	Unknown	Unknown
50	CPE – Data Entry for Transfer to Palmdale for Release	Unknown	Unknown	5 mins
57	Verifying FFL Records for Release	Unknown	Unknown	<1 min
59	Palmdale Processing/Prep/Transfer to FFL	16	16	2 mins
60	Post-Release Processing/Entry - AFS	Unknown	Unknown	5 mins
		406+	86.5+	23 mins

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on April 12, 2024.



Anna M. Barvir
Declarant

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' MOTION FOR SUMMARY JUDGMENT**

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

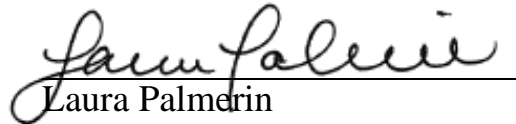
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Los Angeles, CA 90010

*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 April 12, 2024.


Laura Palmerin