

C.D. Michel – SBN 144258
Anna M. Barvir – SBN 268728
Matthew D. Cubeiro – SBN 291519
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: cmichel@michellawyers.com

Attorneys for Plaintiff Ana Patricia Fernandez

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 ANA PATRICIA
FERNANDEZ 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 ANA PATRICIA FERNANDEZ

1
2 1. I, Ana Patricia Fernandez, am the Plaintiff in this matter. I make this
3 declaration of my own personal knowledge and if called as a witness, I could and would
4 testify competently to the truth of the matters set forth herein.

5 2. I am a resident of Burbank, Los Angeles County, California.

6 3. I am the widow of Manuel Fernandez, whom I affectionately called Manny.
7 Over the course of his life, Manny owned hundreds of firearms both because he was a
8 serious firearms collector and passionate gun enthusiast and because he hoped to sell those
9 firearms through a licensed dealer during retirement. I did not much participate in
10 Manny's gun-collecting hobby, but I did often witness Manny engaging in it.

11 4. When we were young, Manny would go shooting every week at gun ranges
12 and other places for recreation and for practice to keep his shooting skills sharp. I would
13 sometimes go shooting with him. As he got older, Manny did not go shooting nearly as
14 often. At most, he would go shooting two or three times a year. And after he became ill in
15 2016, he stopped going shooting altogether. I had not gone shooting with Manny or fired
16 his guns in many years.

17 5. Manny generally took great care to store his guns carefully. Indeed, his gun
18 collection was extremely precious to him, and he made sure his firearms were protected
19 from scratches and other damage. He generally kept them in either the boxes and
20 Styrofoam they came in, in gun cases, or in large gun safes. If a gun did not come in a box
21 or if he did not have room in the gun cases or safes, he would wrap it in a towel, cloth, or
22 something similar to protect it. He kept most of his guns in his office in our home, in the
23 garage, or in our bedroom. None were kept outside or exposed to rain, snow, or sun; nor
24 were they kept in the storage sheds on our property. And after firing his guns, Manny
25 would personally clean his firearms as soon as he could and return them to their box, case,
26 or safe for storage.

27 6. On June 14, 2018, a team of deputies from Los Angeles Sheriff's Department
28 (LASD) executed a warrant to search the home that I shared with my late husband located

1 at 34710 Caprock Road in Agua Dulce, California.

2 7. During the execution of the search warrant at my home on June 14, 2018,
3 LASD officers discovered and seized 517 firearms belonging to my husband. I was
4 present at the home during the execution of the search warrant and witnessed the search of
5 my home and the seizure of Manny's firearms and other property we shared.

6 8. Manny kept many of his firearms in storage boxes, including the boxes they
7 were bought and sold in, to properly preserve and protect them from scratches, dings, and
8 damage. During the execution of the search warrant at my home on June 14, 2018, LASD
9 officers tore open the protective boxes in which Manny kept his many guns and removed
10 the guns from their packaging for inspection, seizure, and transport. *See, e.g.,* Barvir
11 Decl., Exs. N-1, N-2, N-3, N-4 (pictures produced by Defendant LASD handling the
12 Fernandez firearms inside the Caprock residence with firearm boxes/packaging
13 surrounding them). During and after the search, I personally saw and removed *mountains*
14 of discarded boxes left in my front yard and/or driveway after LASD officers removed the
15 firearms from them.

16 9. Due to the large size of his firearm collection, my husband was unable to
17 store all of his firearms in gun safes, lock boxes, or similar containers—though many were
18 stored that way. Many others were wrapped in old clothing or towels (not “laundry”)
19 before being stacked in the garage for safekeeping and storage. Manny wrapped his guns
20 in this way to properly preserve and protect them from scratches, dings, and damage.
21 During the execution of the warrant at my home on June 14, 2018, LASD officers removed
22 the guns from the protective clothes and towels for inspection, seizure, and transport.

23 10. During the execution of the warrant at my home on June 14, 2018, I saw
24 officers unpackaging Manny's guns and ogling the property they found. I witnessed them
25 taking guns out of the boxes, plastics, and Styrofoam they were packaged in, and I noted
26 their excitement when they found something that appeared to be unique or rare or
27 otherwise noteworthy. They were acting like a bunch of giddy schoolboys on Christmas. I
28 was embarrassed and hurt to witness property belonging to Manny and me being gone

1 through in this disrespectful manner with seemingly no consideration for the property
2 owner sitting within earshot.

3 11. During the execution of the warrant at my home on June 14, 2018, when
4 LASD officers and employees took Manny's guns from our home, instead of placing them
5 into separate boxes, wrapping them in cloth or paper, or even returning them the very
6 boxes they removed them from, they shoved dozens of them into trash cans, Rubbermaid-
7 type plastic bins, and even a laundry basket. As shown in the photographs of the seizure
8 that I have seen, it is clear that LASD officers and employees took little or no care for
9 these seized firearms. There was no protective wrapping on the firearms and they were all
10 shoved in tightly in what looked to be like someone trying to get as many as they could
11 into the various containers. *See, e.g.,* Barvir Decl., Exs. N-1, N-2, N-3, N-4 (pictures
12 produced by Defendant LASD of the Fernandez firearms in various plastic bins in front of
13 my home and at the Palmdale station).

14 12. During the execution of the warrant at my home on June 14, 2018, LASD
15 officers and employees dumped Manny's long guns into the bed of a pickup truck with no
16 padding under, around, or between the firearms to protect them from dings, scratches, and
17 other damages while being transported to the police station from my home. As shown in
18 the photographs of the seizure that I have seen, it is clear that LASD officers and
19 employees took little or no care for Manny's seized firearms when they placed them in the
20 truck for transport—they were all piled up, dozens deep, on top of each other and against
21 the metal of the truck bed. The firearms were not organized in the truck bed, nor were they
22 covered to protect from damage, dust, or debris during the relocation of the guns from our
23 home to the police station for processing and storage. *See* Barvir Decl., Exs. N-1, N-2, N-
24 3, N-4 (pictures produced by Defendant LASD of the Fernandez firearms in the bed of a
25 green, Ford F-150).

26 13. As far as I know, LASD officers and employees took no photos of the
27 individual firearms showing the condition of the firearms when LASD took possession of
28 them. The few pictures documenting the condition of individual firearms that Defendants

1 produced during the course of this litigation were not taken at my home during the
2 execution of the search warrant and initial seizure. That is, the pictures were not taken
3 before LASD employees (1) transported the firearms unsecured and unprotected in the
4 uncovered bed of a pickup truck, (2) arranged the firearms on a concrete slab with nothing
5 beneath them, or (3) shoved them into plastic bins for carrying and storage.

6 14. On September 27, 2018, my husband passed away without being convicted of
7 any crime, and the charges against him were dropped. The court later issued an order that
8 all seized firearms that were eligible for return should be returned to me as Manny's wife.

9 15. On August 5, 2019, I went to the Palmdale Station and met with Property
10 Custodian Susan O'Leary-Brown to retrieve electronics and other property that had been
11 seized from us during the second raid of our home. While there, I observed the
12 inexcusable way LASD personnel had stored and handled my firearms while they were in
13 possession of them. I saw countless guns stacked against each other and shoved into
14 plastic bins and similar open containers without any protection from scratches, dings,
15 debris, or other damage.

16 16. Based on property receipts and records that I received after the execution of
17 the warrants at my home and other locations, I am aware that LASD seized about 500
18 firearms from Manny in June 2018. I only had 451 of those firearms returned to me.

19 17. In order to have my lawful property returned, however, LASD demanded that
20 I pay an "administrative fee" of \$54 per seized firearm to be returned. The total amount to
21 have 451 firearms returned was \$24,354. Through my attorneys, I sought to negotiate to
22 pay a lower fee because I reasonably believed (and I still believe) that \$54 per firearm (for
23 a total of \$24,354) is an unreasonably excessive fee to have my own lawful property
24 returned to me. County employees refused to negotiate the payment of a lower fee, so I
25 agreed to pay the full amount of the fee under protest.

26 18. Through Carol Watson's Orange Coast Auctions (CWOCA), I paid the
27 \$24,354 "administrative fee" to LASD under protest, and my firearms were released to
28 CWOCA employees from the property custodian at the Palmdale Station. Barvir Decl.,

1 Ex. O (LASD Palmdale Station Request for Information re: firearm release and receipt for
2 payment of \$24,354 for the release of 451 firearms).

3 19. My firearms were eventually auctioned off by CWOCA in several batches
4 over the course of several months. I received a total of \$53,682.40, after reimbursing
5 CWOCA for the cost of paying LASD's excessive "administrative fee" and paying
6 CWOCA's commission and my attorney fees.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed
8 within the United States on April 11, 2024.

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11 Ana Patricia Fernandez
12 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 ANA PATRICIA FERNANDEZ 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.

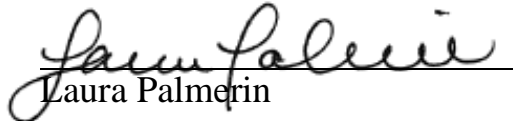
Amber A. Logan
amberlogan@lmhfir.com
lmh@lmhfir.com

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 April 12, 2024.


Laura Palmerin