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7	Deputy John Roth and Deputy Wyatt Waldron				
8					
9	UNITED STATES DISTRICT COURT				
10	CENTRAL DISTRICT OF CALIFORNIA				
11	ANA PATRICIA FERNANDEZ,) CASE NO. 2:20-cv-9876-DMG-PDx				
12	an individual)				
13) DEFENDANTS' REPLY TO Plaintiff,) PLAINTIFF'S SEPARATE STATEMENT				
14) OF EVIDENTIARY OBJECTIONS				
15	vs.) OFFERED IN OPPOSITION TO THEIR) MOTION FOR SUMMARY JUDGMENT				
16	LOS ANGELES COUNTY, et al.,)				
17	Defendants. Date: May 10, 2024 Time: 2:00 p.m.				
18	Defendants.) Time: 2:00 p.m.) Place: Courtroom 8C				
19	j Judge: Hon. Dolly M. Gee				
20					
21	Defendants, COUNTY OF LOS ANGELES, DEPUTY ROTH and DEPUTY				
22	WALDRON submit the following Reply to Plaintiff's Separate Statement of				
23					
24	Evidentiary Objections in opposition to their Motion for Summary Judgment.				
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	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	DEFENDANTS' REPLY
	1. Declaration of Wyatt	1. Relevance. The case	1. The facts are relevant
	Waldron (attached as Ex.	concerns the legality of	to the issue of the actual
	7 to the Declaration of	the administrative cost of	costs of the seizure of the
	Amber Logan) at ¶¶ 3-6,	processing seized	Fernandez firearms as
	in their entirety,	firearms subject to Los	permitted by statute. The
	discussing the steps	Angeles County's \$54	statement is also not
	Deputies Waldron and	firearm storage fee, which	made inadmissible by the
	other spent investigating a	is by law limited to actual	hearsay rule pursuant to
	tip that Manuel Fernandez	administrative costs.	F.R.E 803 (1)(6) and (8).
	was in possession of	Time spent investigating	
	firearms, including	a crime, conducting	
	researching his criminal	surveillance, and	
	history, checking DMV	preparing a warrant	
	records, reading historical	affidavit are general law	
	court documents,	enforcement functions	
	conducting surveillance of	and are not relevant to the	
	his home with Deputies	issues of this case.	
	Livingston and Jacob,	Fed. R. Evid. 402.	
	preparing a warrant	Hearsay. Declarant offers	
	affidavit and statement of	this out-of-court document	
	probable cause, and	to prove the truth of the	
	appearing at the	matters asserted in the	
	courthouse to obtain a	document, i.e., that other	
	warrant.	individuals in addition to	
		Deputy Waldron worked a	
		total of fourteen hours.	
L		Fed. R. Evid. 801.	
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2. Declaration of Wyatt Waldron (attached as Ex. 7 to the Declaration of Amber Logan) at ¶ 7: "The aforementioned actions took approximately fourteen (14) LASD manhours for sworn peace officer personnel."

2. Relevance. The case concerns the legality of the administrative cost of processing seized firearms subject to Los Angeles County's \$54 firearm storage fee, which is by law limited to actual administrative costs. Time spent investigating a crime, conducting surveillance, and preparing a warrant affidavit are general law enforcement functions and are not relevant to the issues of this case. Fed. R. Evid. 402. Hearsay. Declarant offers this out-of-court document to prove the truth of the matters asserted in the document, i.e., that other individuals in addition to Deputy Waldron worked a total of fourteen hours.

2. The facts are relevant to the issue of the actual costs of the seizure of the Fernandez firearms as permitted by statute. The statement is also not made inadmissible by the hearsay rule pursuant to F.R.E 803 (1)(6) and (8).

Fed. R. Evid. 801.

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3. Declaration of Wyatt Waldron (attached as Ex. 7 to the Declaration of Amber Logan) at ¶ 8 and Deputy Kyle Dingman's Incident Report Re: June 14, 2018 Search of Caprock Residence (attached as Ex. 8 to the Declaration of Amber Logan), which describe the length of the first search of the Caprock residence on June 14, 2018.

3. Relevance. The case concerns the legality of the administrative cost of processing seized firearms subject to Los Angeles County's \$54 firearm storage fee, which is by law limited to actual administrative costs. Time spent investigating a crime and participating in a search are general law enforcement functions and are not relevant to the issues of this case. Fed. R. Evid. 402. Hearsay. Declarant offers this out-of-court drafted by another person to prove the truth of the matters asserted in the document, i.e., how long it took to conduct the first search of the Caprock residence on June 14, 2018.

3. The facts are relevant to the issue of the actual costs of the seizure of the Fernandez firearms as permitted by statute. The statement is also not made inadmissible by the hearsay rule pursuant to F.R.E 803 (1)(6) and (8).

Fed. R. Evid. 801.

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4. Deposition of Wyatt Waldron (attached as Ex. 3 to the Declaration of Amber Logan) at 63:25-64:10:

"Q: And do you know who handled the firearms when they arrived at the Palmdale station?

A: It would have been at least 15 to – actually, more than that. There was probably 20 to 25 different deputies and detectives assigned to Palmdale station. Obviously, we had been on the phone letting people know like, Hey, we're going to have a lot of evidence to start going through. So we were trying to get as much help as we could to get all this stuff unloaded and placed out so we can start cataloging and organizing it all."

and 71:17-25:

"Q: And how much time did it take to lay out these firearms this neatly? It is a very organized picture.

4. Lacks personal knowledge. There is no information provided that the declarant has percipient or personal knowledge that informs this statement. Wyatt does not have personal knowledge about the amount of time other officers spent unloading the firearms after the first Caprock search on June 14, 2018. This is evidenced by the fact that he does not know how many deputies and detectives were involved in the unloading of the guns or how many hours it took them.

Fed. R. Evid. 602.

Unfairly prejudicial. This evidence should be excluded because its probative value is substantially outweighed by its unfair prejudice that confuses the issue. Specifically, Defendant is using this excerpt to suggest it took "four to six hours" to unload a

4. The witness obviously has personal knowledge based on the multiple uses of the word "we," testimony regarding his presence at the location and ability to observe the events to which he testifies. The evidence is not unduly prejudicial as it is an assessment of the official acts of the deputies and is directly related to the issue before the court in this case – the amount of time spent in the seizure, impounding, and storage of the Fernandez firearms.

	A couple hours. If I had	truck. In reality, LASD	
	uess, I would say four	personnel were laying out	
	rs. I remember being	the firearms for a photo	
	e up until probably 1:00	-	
	ock in the morning the	that it would take 20 or	
	day, but I think we got	more deputies up to six	
	n all laid out before it dark. So I would	hours to unload the firearms from a truck.	
	gine four to six hours,	meanns nom a nuck.	
	ething like that."	Fed. R. Evid. 403.	
50111	cuming like that.	Ted. R. Lvid. 405.	
	eposition of John Roth	5. Lacks personal	5. The witness stated, "I
`	iched as Ex. 11 to the	knowledge. There is no	don't think." Roth's
	laration of Amber	information provided that the declarant has	opinion is not, and does
Log	an) at 54:19-25:	percipient or personal	not purport to be, an affirmative statement that
"O·	Have you ever	knowledge that informs	speaks for all deputies in
_	icipated in a	this statement. Roth does	the history of the County
_	arms seizure that large	not have personal	of Los Angeles. The
	ore in your position – in	knowledge about the	opinion is admissible as a
any	position that you've	experiences of other	lay opinion per Rule 701.
held	with LASD?	deputies on the scene of	
		the first Caprock search,	
	Ma'am to be perfectly	let alone the experiences	
	est, I don't think	of all deputies in the	
•	body in the county has	history of the County of	
	ed that many firearms	Los Angeles.	
	een present at the	End D Evid 600	
	ure of that many arms in the history of	Fed. R. Evid. 602.	
	County of Los		
	geles."		

6. Declaration of Susan 6. Lacks personal 6. The opinion is 1 Brown (attached as Ex. 14 knowledge. There is no admissible as a lay 2 information provided that opinion per Rule 701. to the Declaration of The witness has personal Amber Logan) at ¶ 34: the declarant has 3 percipient or personal knowledge of the 4 knowledge that informs "I have been informed and magnitude of the seizure 5 believe that it was possibly this statement. Brown based on her personal the largest in Sheriff's observations as the was not present at the 6 Department history." property and evidence execution of the search of 7 the Caprock Road custodian at the Palmdale 8 residence on June 14, Station. 2018, nor does she 9 identify who "informed" 10 her. 11 Fed. R. Evid. 602. 12 13 Hearsay. Defendants 14 offer this out-of-court 15 statement to prove the truth of the matters 16 asserted in the document, 17 i.e., that this was the 18 largest seizure of firearms in the Sheriff's 19 Department's history. 20 21 Fed. R. Evid. 801. 22 23 24 25 26 27 -7-28

7. Deposition of John Roth (attached as Ex. 11 to the	7. Hearsay. Defendants offer this out-of- court	7. This is not hearsay. I is not an out-of-court
Declaration of Amber	statement to prove the	statement offered for its
Logan) at 55:9-15:	truth of the matters	truth. Moreover, the
Logan) at 33.7 13.	asserted in the document,	statement is also not
"Q: So is it so is it	i.e., that this "was a	made inadmissible by t
common for LASD to	unique set of	hearsay rule pursuant to
search to seize hundreds	circumstances for the	F.R.E 803 (1)(6) and (8
of firearms from a single source?	deputies."	1 .it. 2 003 (1)(0) und (0
source:	Fed. R. Evid. 801.	
A. No mo'am	rea. K. Evia. 801.	
A: No, ma'am.		
Q: So would you say this		
was a pretty unique		
experience?		
скрепенее:		
A: This was a very, very		
unique experience."		
8. Deposition of Wyatt	8. Relevance. The case	8. The facts are relevan
Waldron (attached as Ex. 3	concerns the legality of	to the issue of the actua
to the Declaration of	the administrative cost of	costs of the seizure of t
Amber Logan) at 76:16-	processing seized	Fernandez firearms as
77:11 and 84:16-85:3,	firearms subject to Los	permitted by statute. The
discussing the reason	Angeles County's \$54	statement is also not
LASD swore out another	firearm storage fee,	made inadmissible by t
warrant affidavit to conduct	•	hearsay rule pursuant to
a search of Carey Moisan's	actual administrative	F.R.E 803 (1)(6) and (8
residence on Sweetwater.	costs. Time spent	(0)
	investigating a crime and	
	preparing a warrant	
	affidavit are general law	
	enforcement functions	
	and are not relevant to the	
	issues of this case.	

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2		Fed. R. Evid. 402.	
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	9. Declaration of Wyatt	9. Relevance. The case	9. The facts are relevant
11	Waldron (attached as Ex. 7	concerns the legality of	to the issue of the actual
12	to the Declaration of	the administrative cost of	costs of the seizure of the
13	Amber Logan) at ¶ 11:	processing seized	Fernandez firearms as
14	67 A 1 A C	firearms subject to Los	permitted by statute.
15	"In the late afternoon of June 14, 2018, we served a	Angeles County's \$54 firearm storage fee,	
16	warrant at the residence of	which is by law limited to	
17	Manuel Fernandez's	actual administrative	
	business partner Carey	costs. Time spent	
18	Moisan, on Sweetwater	investigating a crime and	
19	Drive in Agua Dulce. That search took approximately	executing a warrant affidavit are general law	
20	two hours and involved the	enforcement functions	
21	following ten (10) Deputy	and are not relevant to the	
22	personnel: me and deputies	issues of this case.	
23	Vilanova, Dingman, Grimes, Nemeth, Dollens,	Fed. R. Evid. 402.	
24	Allen, Knott, Winter, and	1 ca. K. Lvia. 402.	
25	Grussing."		
26			
27			
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10. Declaration of John 10. Relevance. The case 10. The facts are relevant 1 Roth (attached as Ex. 10 to concerns the legality of to the issue of the actual 2 the Declaration of Amber the administrative cost of costs of the seizure of the processing seized Logan) at $\P 5$: Fernandez firearms as 3 firearms subject to Los permitted by statute. 4 "On or about June 15, Angeles County's \$54 5 2018, I swore out the firearm storage fee, warrant affidavit for the which is by law limited to 6 second search of Manuel actual administrative 7 Fernandez's residence on costs. Time spent 8 Caprock Lane, and investigating a crime, obtained the warrant. To preparing a warrant 9 the best of my recollection, affidavit, and obtaining a 10 I spent approximately three warrant form a judge are 11 (3) to prepare and obtain general law enforcement the warrant from the 12 functions and are not judge." relevant to the issues of 13 this case. 14 15 Fed. R. Evid. 402. 11. Declaration of John 11. The facts are relevant 11. Relevance. The case 16 Roth (attached as Ex. 10 to concerns the legality of to the issue of the actual 17 the administrative cost of costs of the seizure of the the Declaration of Amber 18 Logan) at \P 6: processing seized Fernandez firearms as "On or about June 20, firearms subject to Los permitted by statute. 19 Angeles County's \$54 2018, my team and I 20 participated in the firearm storage fee, 21 execution of the second which is by law limited to search at Caprock Lane or actual administrative 22 about June 20, 2018. The costs. Time spent 23 investigating a crime and search team consisted of 24 the following nine (9) executing a warrant are deputies: me, Eitner, Ames, general law enforcement 25 Grimes, Morris, Nemeth, functions and are not 26 Bowes, Thompson and relevant to the issues of 27 -10-28

Mejia. To the best of my	this case.	
recollection, the search	Fed. R. Evid. 402.	
team took approximately	100.10.10.102.	
four (4) hours to search and		
seize the items from the		
Caprock Lane residence		
and return them to the		
Palmdale Station for		
booking."		
· ·		
10 D 1 CC	10.7.1.1	10 TI
12. Declaration of Susan	12. Lacks personal	12. The witness has
Brown (attached as Ex. 14	knowledge. There is no	capacity to provide this
to the Declaration of	information provided that	evidence based on her
Amber Logan) at ¶¶ 11-12,	the declarant has	personal observations
17-18, in their entirety,	percipient or personal	under F.R.E. 602. The
discussing the tasks related	knowledge that informs this statement. Brown	statement is also not
to and the total time spent		made inadmissible by the
entering firearms into PRELIMS.	could have no personal	hearsay rule pursuant to
FRELIMS.	knowledge that Deputies Richard Leon, Kyle	F.R.E 803 (1)(6) and (8).
	Dingman, Nicholas	
	Saylor, Murray Jacob,	
	David Roach, Salvador	
	Moreno, Jason Ames,	
	John Roth, Joshua	
	Nemeth, or Kevin Bowes	
	spent their entire shifts	
	processing the Fernandez	
	firearms and nothing else.	
	Fed. R. Evid. 602.	
	Hearsay. Declarant offers	
	this out-of-court statement	

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1		to prove the truth of the	
2		matters asserted in the	
2		document, i.e., that other	
3		individuals besides her	
4		worked for so many hours	
5		entering information into	
		the PRELIMS system.	
6			
7		Fed. R. Evid. 801.	
8	13. Declaration of Susan	13. Lacks personal	13. The witness has
	Brown (attached as Ex. 14	knowledge. There is no	capacity to provide this
9	to the Declaration of	information provided that	evidence based on her
10	Amber Logan) at ¶ 24:	the declarant has	personal observations
11	"The station management to als	percipient or personal	under F.R.E. 602. The
12	"The station personnel took	knowledge that informs this statement. Brown	statement is also not
	approximately 10 minutes per firearm to enter the		made inadmissible by the hearsay rule pursuant to
13	Fernandez firearms into the	does not have personal knowledge that six (6)	F.R.E 803 (1)(6) and (8).
14	AFS database."	unidentified staff	1.K.L 603 (1)(0) and (0).
15	TH 5 database.	members took	
16		approximately 10 minutes	
-		per firearm to enter the	
17		Fernandez firearms into	
18		AFS. Defendants do not	
19		provide the declarations	
20		or testimony of the six	
		staff members who	
21		allegedly entered the	
22		firearms into AFS, nor or	
23		do they cite any	
24		documentary evidence	
		from AFS to support	
25		Brown's claims.	
26		E. J. D. E. J. (02	
27		Fed. R. Evid. 602.	

1		Hearsay. Declarant offers	
		this out-of-court	
2		statement to prove the	
3		truth of the matters	
4		asserted in the document,	
5		i.e., that it took ten	
		minutes per firearm to	
6		enter the Fernandez	
7		firearms into AFS.	
8		Fed. R. Evid. 801.	
9		rea. K. Evia. 601.	
10	14. Declaration of Susan	14. Failure to disclose. In	14. As a preface to the
11	Brown (attached as Ex. 14	discovery, Defendants	defendants' discovery
12	to the Declaration of	failed to disclose that	responses, defendant
13	Amber Logan) at ¶ 26:	Brown allegedly spent	stated, "It should be
14		180 hours over the course	noted that the responding
	"In addition to the work	of approximately six	party has not completed
15	done by the deputies to	weeks clearing, entering,	investigation of the facts
16	enter the Fernandez	researching, correcting	related to this case, has
17	firearms into PRELIMS,	computer entries,	not fully completed
18	and the work done by the	reviewing crime returns,	discovery in this case and
	station personnel to enter	and storing the Fernandez	has not completed
19	the Fernandez firearms into	weapons. Nor did	preparation for trial. All
20	AFS, I personally spent approximately 6 weeks	Defendants explain that "beginning June 14,	of the answers contained herein are based only
21	clearing, entering,	2018, at the start of each	upon such information
22	researching, correcting	8-hour shift, Brown spent	and documents which are
	computer entries, reviewing	_	presently available to and
23	crime returns and storing	per day on her other	specifically known to the
24	the Fernandez weapons.	duties and 6 hours per	respondent. It is
25	Beginning June 14, 2018, at	-	anticipated that further
26	the start of each 8 hour	Fernandez firearms	discovery, independent
27	shift, I spent approximately	before their release to the	investigation, legal
28		-13-	

CPE warehouse on July 1-2 hours per day on my research, and analysis 1 25, 2018." other duties and 6 hours per will supply additional 2 day processing the facts, add meaning to known facts, as well as Fernandez firearms before To the contrary, when 3 their release to the CPE asked to "[d]escribe, in establish entirely new 4 warehouse on July 25, reasonable detail, every factual conclusions and 5 2018." step taken by the legal contentions, all of COUNTY, its employees, which may lead to 6 OR contractors when substantial additions to, 7 seizing, storing, AND changes in, and variations 8 returning the from the contentions **FERNANDEZ** herein set forth. The 9 following responses are FIREARMS." 10 given without prejudice Defendants did not 11 describe this work at all. to respondent's right of any subsequently 12 See Barvir Decl., Ex. I discovered facts. The [Def. Cnty.'s Resp. to 13 Pl.'s Interrogs., Set 1] at respondent accordingly 14 183-83, Ex. J [Def. reserves the right to 15 change any and all Cnty.'s Supp. Resp. to Pl.'s Interrogs., answers herein as 16 Set 1] at 493-95. additional facts are 17 ascertained, analysis is 18 Fed. R. Civ. P. 37(c)(1); made, legal research is Fed. R. Evid. 403. completed, and 19 contentions are made. 20 The answers contained 21 herein are made in a good faith effort to supply as 22 much factual information 23 and as much specification 24 of legal contentions as is presently known but 25 should in no way be to 26 the prejudice of 27 -14-28

1	respondent in relation to
	further discovery,
2	research, or analysis.
3	Moreover, the responses
4	do not constitute a waiver
5	of any further objections,
	privileges, or defenses
6	that are subsequently
7	discovered. This
8	responding party has
	made every effort to
9	obtain the information
10	necessary to respond to
11	these interrogatories. These introductory
12	comments shall apply to
	each, and every answer
13	given herein and shall be
14	incorporated by reference
15	as though fully set forth
16	in all of the interrogatory
	responses appearing on
17	the following pages.
18	Finally, as some of these
19	responses may have been
20	ascertained by this
	responding party's
21	attorneys and
22	investigators, this
23	responding party may not
24	have personal knowledge
	of the information from
25	which these responses are
26	derived." Facts unknown
27	or forgotten which are
28	-15-

1			remembered when
			preparing the motion do
			not constitute a failure to
			disclose.
	15. Declaration of Chris	15. Lacks personal	15. The witnesses'
	Argonza (attached as Ex.	knowledge. There is no	testimony as a
	15 to the Declaration of	information provided that	Supervising Property and
	Amber Logan) at ¶ 9:	the declarant has	Evidence custodian
		percipient or personal	regarding the acts of
	"On July 25, 2018,	knowledge that informs	subordinate employees is
	Supervising Evidence and	this statement. Argonza	based on his personal
	Property Custodian	does not declare that they	knowledge and he is
	Regalado O. Javate	were present when the	competent to give the
	(retired), along with	four other CPE property	testimony provided.
	Evidence and Property	custodians allegedly	Evidence is not barred
	Custodians Manuel Nuyda,	made the drive to and	under Rule 602 where a
	Romeo F. Uy, Jose Lingat,	from the Palmdale	witness summarized
	Jr. made the two-hour	Station. Nor does	evidence that had already
	drive, each way, between	Argonza provide any	been offered. As to that
	Whittier to the Palmdale	other foundation for how	evidence, he testified
	Station in two box trucks to	•	from his personal
	retrieve the evidence."	made the drive, when it	knowledge of the
		was made, or how long it	transcripts and exhibits.
		took them to travel	Hence Rule 602 does not
		between destinations.	bar his testimony. <u>United</u>
		Fed. R. Evid. 602.	<u>States v. Lemire</u> , 720 F.2d 1327, 1347 (D.C.
		1 cd. K. Evid. 002.	Cir. 1983). Moreover a
		Hearsay. Declarant offers	witness may testify to
		this out-of-court	matters not personally
		statement to prove the	known if the witness is
		truth of the matters	standing in the shoes of a
		asserted in the document,	government entity.
		16	
		-16-	

1		i.e., that other individuals	Cooley v. Lincoln Elec.
		traveled for a combined	<u>Co</u> ., 693 F. Supp. 2d 767,
2		total of 16 man-hours.	791 (N.D. Ohio 2010).
3		E 1 B E 11 001	F.R.C.P. 30(b)(6).
4		Fed. R. Evid. 801.	The statement is also not
5			made inadmissible by the hearsay rule pursuant to
6			F.R.E 803 (1)(6) and (8).
7			1 .Tt. 2 003 (1)(0) unu (0).
8			
9			
10	16 D 1 4: CC1:	16 1 1 1	16 TI '4 '
11	16. Declaration of Chris Argonza (attached as Ex.	16. Lacks personal knowledge. There is no	16. The witnesses' testimony as a
12	15 to the Declaration of	information provided that	Supervising Property and
13	Amber Logan) at ¶ 13:	the declarant has	Evidence custodian
14	, "	percipient or personal	regarding the acts of
	"I am informed and believe	knowledge that informs	subordinate employees is
15	based on the entries into	this statement. Argonza	based on his personal
16	PRELIMS, that CPE made	does not have personal	knowledge and he is
17	two additional trips to the Palmdale Station to retrieve	knowledge that an unknown number of	competent to give the testimony provided.
18	property from this seizure	unidentified Evidence	Evidence is not barred
19	on August 16 and August	and Property Custodians	under Rule 602 where a
20	18, 2018."	from CPE made two	witness summarized
		additional trips to retrieve	evidence that had already
21		property from the	been offered. As to that
22		Fernandez seizures on	evidence, he testified
23		August 18, 2018, and	from his personal
24		August 18, 2018. Argonza does not declare	knowledge of the transcripts and exhibits.
25		that they were present	Hence Rule 602 does not
26		when the CPE staff	bar his testimony. <u>United</u>
		allegedly made the drive	States v. Lemire, 720
27		17	
28		-17-	

1		to and from the Palmdale	F.2d 1327, 1347 (D.C.
2		Station. Nor does	Cir. 1983). Moreover a
		Argonza provide any	witness may testify to
3		other foundation for how	matters not personally
4		they could know who	known if the witness is
5		made the drive, when it	standing in the shoes of a
		was made, or how long it	government entity.
6		took them.	Cooley v. Lincoln Elec.
7		Fed. R. Evid. 602.	<u>Co.</u> , 693 F. Supp. 2d 767,
8		II D 1 4 CC	791 (N.D. Ohio 2010).
9		Hearsay. Declarant offers this out-of-court	F.R.C.P. 30(b)(6).
-			The statement is also not
10		statement to prove the truth of the matters	made inadmissible by the hearsay rule pursuant to
11		asserted in the document,	F.R.E 803 (1)(6) and (8).
12		i.e., that other individuals	1
13		two trips to the Palmdale	
		Station to retrieve	
14		property from the	
15		Fernandez seizure on	
16		August 16 and August	
17		18, 2018.	
18		Fed. R. Evid. 801.	
19	17. Declaration of Chris	17. Lacks personal	17. The witnesses'
20	Argonza (attached as Ex.	knowledge. There is no	testimony as a
21	15 to the Declaration of	information provided that	Supervising Property and
	Amber Logan) at ¶ 15:	the declarant has	Evidence custodian
22	"The firearms were verified	percipient or personal knowledge that informs	regarding the acts of subordinate employees is
23	by reviewing the size,	this statement. Argonza	based on his personal
24	model, make and serial	does not have personal	knowledge and he is
25	number serial numbers and	knowledge about what	competent to give the
26	other identifying	steps other, unidentified	testimony provided.
	information entered by	CPE personnel took with	
27			
28		-18-	

Palmdale into the Evidence is not barred regard to the Fernandez 1 Automated Firearm System firearms. Argonza does under Rule 602 where a 2 ("AFS"), comparing that not declare that they witness summarized information against the evidence that had already themselves made the 3 actual weapon, then entries into AFS or that been offered. As to that 4 reviewing AFS returns to they were present when evidence, he testified 5 verify than none of the the CPE staff allegedly from his personal made the entries. Nor weapons were stolen." knowledge of the 6 transcripts and exhibits. does Argonza provide 7 any other foundation for Hence Rule 602 does not 8 how they could know bar his testimony. *United* who did the work, when States v. Lemire, 720 9 it was done, or how long F.2d 1327, 1347 (D.C. 10 it took them to complete Cir. 1983). Moreover a 11 witness may testify to the work. 12 matters not personally known if the witness is Fed. R. Evid. 602. 13 standing in the shoes of a 14 Hearsay. Declarant offers government entity. 15 Cooley v. Lincoln Elec. this out-of-court statement to prove the Co., 693 F. Supp. 2d 767, 16 truth of the matters 791 (N.D. Ohio 2010). 17 asserted in the document, F.R.C.P. 30(b)(6). 18 The statement is also not i.e., work done by other CPE personnel. made inadmissible by the 19 hearsay rule pursuant to 20 F.R.E 803 (1)(6) and (8). Fed. R. Evid. 801. 21 22 23 24 25 26 27 -19-28

28

18. Declaration of Chris Argonza (attached as Ex. 15 to the Declaration of Amber Logan) at ¶ 16:

"The custodians at CPE processed nearly 1,000 pieces of evidence including nearly 500 firearms, computers, and ammunition as follows: Each item was counted. The weapons were cleared of ammunition and magazines. Even if cleared before, for safety reasons, each time a weapon is handled, it must be cleared of all ammunition and magazines. Bar codes which had been placed on the evidence at Palmdale were scanned one-by-one into the computer system where labels were generated. The handguns were placed into individual envelopes with the matching label secured to the envelope and sealed. The long guns were affixed with matching labels and placed into wheeled bins. As each banker's box was full of handgun envelopes,

18. Lacks personal knowledge. There is no information provided that the declarant has percipient or personal knowledge that informs this statement. Argonza does not have personal knowledge about what steps other, unidentified CPE personnel took with regard to the Fernandez firearms. Argonza does not declare that they themselves processed the Fernandez firearms or that they were present when the CPE staff allegedly did so. Nor does Argonza provide any other foundation for how they could know who did the work, when it was done, or how long it took them to complete the work.

Fed. R. Evid. 602.

Hearsay. Declarant offers this out-of-court statement to prove the truth of the matters asserted in the document, i.e., work done by other

18. The witnesses' testimony as a Supervising Property and Evidence custodian regarding the acts of subordinate employees is based on his personal knowledge and he is competent to give the testimony provided. Evidence is not barred under Rule 602 where a witness summarized evidence that had already been offered. As to that evidence, he testified from his personal knowledge of the transcripts and exhibits. Hence Rule 602 does not bar his testimony. *United* States v. Lemire, 720 F.2d 1327, 1347 (D.C. Cir. 1983). Moreover a witness may testify to matters not personally known if the witness is standing in the shoes of a government entity. Cooley v. Lincoln Elec. Co., 693 F. Supp. 2d 767, 791 (N.D. Ohio 2010). F.R.C.P. 30(b)(6). The statement is also not made inadmissible by the

and as each wheeled bin had a sufficient number of	CPE personnel.	hearsay rule pursuant to
	E.J. D. E.J. 001	F.R.E 803 (1)(6) and (8).
long guns, the guns were	Fed. R. Evid. 801.	
placed into the firearm vault – a locked vault		
within the secured property		
warehouse.		
.,, 0.1 0.110 0.2 0.		
19. Declaration of Chris	19. Lacks personal	19. The witness
Argonza (attached as Ex.	knowledge. There is no	testimony as a
15 to the Declaration of	information provided that	Supervising Property and
Amber Logan) at ¶ 17:	the declarant has	Evidence custodian
	percipient or personal	regarding the acts of
"The movement of each	knowledge that informs	subordinate employees is
weapon was entered into	this statement. Argonza	based on his personal
the PRELIMS computer	does not have personal	knowledge and he is
system which is an internal	knowledge about what	competent to give the
Sheriff's Department	steps other, unidentified	testimony provided.
evidence tracking/chain of	CPE personnel took with	Evidence is not barred
custody computer system.	regard to the Fernandez	under Rule 602 where a
The identifying information	•	witness summarized
for each firearm was also entered by CPE staff into	not declare that they themselves entered the	evidence that had already been offered. As to that
JDIC (Justice Data	Fernandez firearms in	evidence, he testified
Interface Controller) which	PRELIMS or JDIC or	from his personal
is the computer system	that they were present	knowledge of the
used by the Sheriff's	when the CPE staff	transcripts and exhibits.
Department to interface	allegedly did so. Nor	Hence Rule 602 does not
with other local and	does Argonza provide	bar his testimony. <i>United</i>
	any other foundation for	States v. Lemire, 720
national law enforcement	j - 0.11.01 1 0.11.01.01.10.11 1 0 1	<u> </u>

. ,,	1 (1 111	E 0 1 1005 1045 / C C
agencies."	how they could know	F.2d 1327, 1347 (D.C.
	who did the work, when	Cir. 1983). Moreover a
	it was done, or how long	witness may testify to
	it took them to complete	matters not personally
	the work.	known if the witness is
		standing in the shoes of a
	Fed. R. Evid. 602.	government entity.
		Cooley v. Lincoln Elec.
	Hearsay. Declarant offers	<u>Co.</u> , 693 F. Supp. 2d 767,
	this out-of-court	791 (N.D. Ohio 2010).
	statement to prove the	F.R.C.P. 30(b)(6).
	truth of the matters	The statement is also not
	asserted in the document,	made inadmissible by the
	i.e., work done by other	hearsay rule pursuant to
	CPE personnel.	F.R.E 803 (1)(6) and (8).
	E 1 D E 11 001	
	Fed. R. Evid. 801.	
20. Declaration of Chris	20. Lacks personal	20. The witnesses'
Argonza (attached as Ex.	knowledge: There is no	testimony as a
15 to the Declaration of	information provided that	Supervising Property and
Amber Logan) at ¶ 19:	the declarant has	Evidence custodian
	percipient or personal	regarding the acts of
"Overall, approximately 4-	knowledge that informs	subordinate employees is
6 CPE warehouse	this statement. Argonza	based on his personal
personnel were involved in	has no personal	knowledge and he is
the movement of the	knowledge about the time	competent to give the
evidence from the Palmdale	other, unidentified CPE	testimony provided.
Station to the CPE	staff members spent	Evidence is not barred
warehouse in July and	traveling between the	under Rule 602 where a
August 2018. Another 4-6	CPE warehouse to the	witness summarized
personnel were involved in	Palmdale Station.	evidence that had already
transferring the evidence	Argonza does not declare	been offered. As to that
back to the Palmdale	that they themselves	evidence, he testified
	participated in the	from his personal
Station in December 2019."	participated in the	Hom ms personar
Station in December 2019."	-22-	Hom ms personar

1	movement of the property	knowledge of the
2	between CP Palmdale,	transcripts and exhibits.
2	nor do they provide any	Hence Rule 602 does not
3	foundation for how they	bar his testimony. <u>United</u>
4	could know the time it	States v. Lemire, 720
5	took other CPE staff	F.2d 1327, 1347 (D.C.
3	members to do so. This is	Cir. 1983). Moreover a
6	evidenced by the fact that	witness may testify to
7	Argonza does not know	matters not personally
8	how many CPE staff	known if the witness is
	members were involved	standing in the shoes of a
9	in the transfer.	government entity.
10		Cooley v. Lincoln Elec.
11	Fed. R. Evid. 602.	<u>Co.</u> , 693 F. Supp. 2d 767,
12	Hanner Deslavant offens	791 (N.D. Ohio 2010).
	Hearsay. Declarant offers this out-of-court	F.R.C.P. 30(b)(6). The statement is also not
13	statement to prove the	made inadmissible by the
14	truth of the matters	hearsay rule pursuant to
15	asserted in the document,	F.R.E 803 (1)(6) and (8).
16	i.e., work done by other	1 .1C.L 003 (1)(0) and (0).
	CPE personnel.	
17	1	
18	Fed. R. Evid. 801.	
19		
20	Failure to disclose.	
	Defendants did not	
21	disclose that "4-6 CPE	
22	warehouse personnel	
23	were involved in the	
24	movement of the	
	evidence from the	
25	Palmdale Station to the	
26	CPE warehouse in July	
27	and August 2018" or	
•	22	

-23-

1		that "4-6 personnel were	
2		involved in transferring	
2		the evidence back to the	
3		Palmdale Station in	
4		December 2019."	
5		To the contrary, when	
3		asked to "[d]escribe, in	
6		reasonable detail, every	
7		step taken by the	
8		COUNTY, its employees,	
0		OR contractors when	
9		seizing, storing, AND	
10		returning the	
11		FERNANDEZ	
		FIREARMS," Argonza	
12		reported that just 4 CPE	
13		property custodians made	
14		the trips. See Barvir	
15		Decl., Ex. J [Def. Cnty.'s	
13		Suppl. Resp. to Pl.'s	
16		Interrogs., Set 1] at 494-	
17		95.	
18		Fed. R. Civ. P. 37(c)(1);	
19		Fed. R. Evid. 403.	
	21. Declaration of Chris	21. Lacks personal	21. The witnesses'
20	Argonza (attached as Ex.	knowledge: There is no	testimony as a
21	15 to the Declaration of	information provided that	Supervising Property and
22	Amber Logan) at ¶ 22:	the declarant has	Evidence custodian
23	// D 1 11 2010	percipient or personal	regarding the acts of
24	"On December 11, 2019,	knowledge that informs	subordinate employees is based on his personal
25	CPE received a request to transport the firearms back	this statement. Argonza has no personal	knowledge and he is
	to the Palmdale Station. On	•	competent to give the
26	December 18, 2019, the	other, unidentified CPE	testimony provided.
27		,	provided.
28		-24-	

27

28

staff loaded the firearms back onto the two box trucks. Four custodians made the two-hour drive back to the Palmdale Station where the firearms were unloaded and delivered to the property and evidence room at the station."

staff members spent moving the Fernandez evidence from the CPE warehouse to the Palmdale Station. Argonza does not declare that they themselves participated in the movement of the property back to Palmdale, nor do they provide any foundation for how they could know the time it took other CPE staff members to do so. This is evidenced by the fact that Argonza does not know how many CPE staff members were involved in the transfer.

Fed. R. Evid. 602.

Hearsay. Declarant offers this out-of-court statement to prove the truth of the matters asserted in the document. i.e., work done by other CPE personnel.

Evidence is not barred under Rule 602 where a witness summarized evidence that had already been offered. As to that evidence, he testified from his personal knowledge of the transcripts and exhibits. Hence Rule 602 does not bar his testimony. *United* States v. Lemire, 720 F.2d 1327, 1347 (D.C. Cir. 1983). Moreover a witness may testify to matters not personally known if the witness is standing in the shoes of a government entity. Cooley v. Lincoln Elec. Co., 693 F. Supp. 2d 767, 791 (N.D. Ohio 2010). F.R.C.P. 30(b)(6). The statement is also not made inadmissible by the

hearsay rule pursuant to

F.R.E 803 (1)(6) and (8).

Fed. R. Evid. 801.

28

22. Declaration of Chris Argonza (attached as Ex. 15 to the Declaration of Amber Logan) at ¶ 18:

"CPE staff would work on the firearms intermittently during lighter evidence receipt days. On average, CPE property and evidence personnel processed (placed data into the PRELIMS) at a rate of about 7 firearms per hour."

22. Lacks personal knowledge. There is no information provided that the declarant has percipient or personal knowledge that informs this statement. Argonza does not have personal knowledge about what steps other, unidentified CPE personnel took with regard to the Fernandez firearms. Argonza does not declare that they themselves entered the Fernandez firearms in PRELIMS or that they were present when the CPE staff allegedly did so. Nor does Argonza provide any other foundation for how they could know who did the work, when it was done, or how long it took them to complete the work.

Fed. R. Evid. 602. Hearsay. Declarant offers this out-of-court statement to prove the truth of the matters asserted in the document, i.e., work done by other CPE personnel. Fed. R. Evid. 801.

22. The witnesses' testimony as a Supervising Property and Evidence custodian regarding the acts of subordinate employees is based on his personal knowledge and he is competent to give the testimony provided. Evidence is not barred under Rule 602 where a witness summarized evidence that had already been offered. As to that evidence, he testified from his personal knowledge of the transcripts and exhibits. Hence Rule 602 does not bar his testimony. *United* States v. Lemire, 720 F.2d 1327, 1347 (D.C. Cir. 1983). Moreover a witness may testify to matters not personally known if the witness is standing in the shoes of a government entity. Cooley v. Lincoln Elec. Co., 693 F. Supp. 2d 767, 791 (N.D. Ohio 2010). F.R.C.P. 30(b)(6). The statement is also not made inadmissible by the

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1	Failure to disclose.	hearsay rule pursuant to
	Defendants failed to	F.R.E 803 (1)(6) and (8).
2	disclose that CPE property	7
3	and evidence personnel	
4	processed (placed data	
5	into the PRELIMS) at a	
3	rate of about 7 firearms pe	r
6	hour.	
7	Instead, in a verified	
8	response to Plaintiffs'	
	Interrogatory No. 14,	
9	Argonza flatly declared	
10	that it took CPE staff	
11	"approximately 7-8 hours	
	per firearm [f]or	
12	processing and storage of	
13	the FERNANDEZ	
14	FIREARMS." For 451	
15	total guns, that would be a	ų į
	least 3,157 work hours, which is not consistent	
16	with the statements	
17	Argonza now makes. See	
18	Barvir Decl., Ex. I [Def.	
19	Cnty.'s Resp. to Pls.'	
	Interrogs., Set 1] at 483-84	1
20	[p. 12-13], Ex. J [Def.	
21	Cnty.'s Suppl. Resp. to	
22	Pls.' Interrogs., Set 1] at	
23	492-97, Ex. K [Def.	
	Cnty.'s Resp. to Pls.' Req	
24	Prod. Docs., Set 1], Ex. P	
25	[Def.	
26	Cnty.'s Suppl. Resp. to	
	Pls.' Req. Prod. Docs.,	
27		

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1		Set 1].	
2		Fed. R. Civ. P. 37(c)(1);	
3		Fed. R. Evid. 403.	
4			
5			
6			
7			
8			
9			
10			
11	23. Declaration of Chris	23. Lacks personal	23. The witnesses'
	Argonza (attached as Ex.	knowledge. There is no	testimony as a
12	15 to the Declaration of	information provided that	Supervising Property and
13	Amber Logan) at ¶ 20:	the declarant has	Evidence custodian
14	"Approximately 3-5 staff	percipient or personal	regarding the acts of
15	members were involved in	knowledge that informs	subordinate employees is
	the processing, data entry,	this statement. Argonza	based on his personal
16	and storage of the evidence from the	does not have personal knowledge about what	knowledge and he is competent to give the
17	involved seizure. CPE did	steps other, unidentified	testimony provided.
18	not calculate the number	CPE personnel took with	Evidence is not barred
19	of hours spent by all staff	regard to the Fernandez	under Rule 602 where a
20	who were involved in this	firearms. Argonza does	witness summarized
21	endeavor, however there were many overtime hours	not declare that they themselves were	evidence that had already been offered. As to that
22	incurred to assist with this	involved in processing,	evidence, he testified
23	volume of firearms."	data entry, or storage of	from his personal
24		the Fernandez firearms or	knowledge of the
		that they were present	transcripts and exhibits.
25		when the CPE staff	Hence Rule 602 does not
26		allegedly did so. Nor	bar his testimony. <u>United</u>
27		does Argonza provide	States v. Lemire, 720
28		-28-	

any other foundation for F.2d 1327, 1347 (D.C. 1 how they could know Cir. 1983). Moreover a 2 who did the work, when witness may testify to matters not personally it was done, or how long 3 it took them to complete known if the witness is 4 standing in the shoes of a the work. 5 Fed. R. Evid. 602. government entity. Hearsay. Declarant offers Cooley v. Lincoln Elec. 6 this out-of-court statement Co., 693 F. Supp. 2d 767, 7 to prove the truth of the 791 (N.D. Ohio 2010). 8 F.R.C.P. 30(b)(6). matters asserted in the document, i.e., work done 9 The statement is also not by other CPE personnel. made inadmissible by the 10 hearsay rule pursuant to 11 F.R.E 803 (1)(6) and (8). Fed. R. Evid. 801. 12 Failure to disclose. Defendants failed to 13 disclose that "3-5 staff 14 members were involved 15 in the processing, data entry, and storage of the 16 evidence from the 17 involved seizure" or that 18 "there were many overtime hours incurred 19 to assist with this volume 20 of firearms." 21 In fact, what was presented in discovery 22 directly contradicts this 23 statement. Here, Argonza 24 suggests CPE did not calculate the number of 25 hours spent by staff, but 26 in prior discovery 27

1		responses he verified,	
2		they claimed: "At Central	
2		Property and Evidence, it	
3		took the staff	
4		approximately 7-8 hours	
		per firearm on processing	
5		and storage of the	
6		FERNANDEZ	
7		FIREARMS." That	
0		would	
8		come out to a minimum	
9		of well over 3,000 hours	
10		of work at CPE alone See	
1.1		Barvir Decl., Ex. I [Def.	
11		Cnty.'s Resp. to Pls.'	
12		Interrogs., Set 1] at 483-	
13		84 [p. 12-13], Ex. J [Def.	
14		Cnty.'s Suppl. Resp. to	
		Pls.' Interrogs., Set 1] at	
15		492-97.	
16		Fed. R. Civ. P. 37(c)(1);	
17		Fed. R. Evid. 403.	
	24. Declaration of	24. Relevance. The case	24. The evidence is
18	Catherine L. Navetta	concerns the legality of	relevant to the issue of
19	(attached as Ex. 16 to the	the administrative cost of	the actual costs of the
20	Declaration of Amber	processing seized	seizure, storage,
21	Logan) at ¶ 7:	firearms subject to Los	impounding and release
		Angeles County's \$54	of the Fernandez firearms
22	"According to the	firearm storage fee,	as permitted by statute.
23	PRELIMS computer	which is by law limited	Evidence is not barred
24	entries, the LASD record	to actual administrative	under Rule 602 where a
	of evidence chain of	costs. Time spent	witness summarized
25	custody, 98 of the	investigating crimes,	evidence that had already
26	firearms seized under	subjecting handguns to ballistics testing, and	been offered. As to that
27	uniform report number	vamsues testing, and	evidence, he testified
28		-30-	

918-08710-2646-151 participating in the from his personal 1 were transferred from the entirely voluntary NIBIN knowledge of the 2 Central Property Unit to program are general law transcripts and exhibits. enforcement functions Hence Rule 602 does not LASD Scientific Services 3 for ballistics testing. A and are not relevant to bar his testimony. *United* 4 true and correct copy of the issues of this case. States v. Lemire, 720 5 the spreadsheet for the F.2d 1327, 1347 (D.C. testing of these 98 Cir. 1983). Moreover a Fed. R. Evid. 402. 6 firearms is attached hereto witness may testify to 7 and incorporated by Lacks personal matters not personally 8 knowledge. There is no reference herein as known if the witness is information provided that Exhibit C." standing in the shoes of a 9 the declarant has government entity. 10 percipient or personal Cooley v. Lincoln Elec. 11 Co., 693 F. Supp. 2d 767, knowledge that informs 791 (N.D. Ohio 2010). 12 this statement. Navetta F.R.C.P. 30(b)(6). does not declare that she 13 was present when the The statement is also not 14 transfer occurred, nor made inadmissible by the 15 does she provide any hearsay rule pursuant to other foundation for how F.R.E 803 (1)(6) and (8). 16 she knows when the There has been no failure 17 transfer happened, who to disclose. In all was involved, or how 18 responses to the discovery the defendant long it took. She has no 19 personal knowledge informed Plaintiff that the 20 about the time it took firearms were tested 21 unidentified LASD staff through NIBIN. to transfer the items from (Plaintiff's Exhibit I, 22 Bates pages 000481-CPE to LASD Scientific 23 000482). Services. 24 Fed. R. Evid. 602. 25 26 Hearsay. Declarant 27

1	offers this out-of-court
2	statement to prove the
2	truth of the matters
3	asserted in the
4	document, i.e., work
	done by other CPE
5	personnel, and she relies
6	on another out-of-court
7	document.
0	Fed. R. Evid. 801.
8	Failure to Disclose.
9	Defendants did not
10	identify Catherine L.
11	Navetta as a person likely
	to have discoverable
12	information in their
13	FRCP 26(a) Initial
14	Disclosures, nor did they
	supplement those
15	disclosures once Ms.
16	Navetta was identified.
17	Defendants also failed to
	produce the "spreadsheet
18	for the testing of these 98
19	firearms" that Navetta
20	relies on even though
21	Plaintiff requested the
	production of documents
22	concerning the actual
23	costs incurred by the
24	County when seizing,
	storing, or returning the Fernandez firearms. <i>See</i>
25	Barvir Decl., Ex. H
26	[Defs.' Initial
27	[Deis. initial

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1		Disclosures] at 459-63,	
		Ex. K [Def. Cnty.'s Resp.	
2		to Pls.' Req. Prod.	
3		Docs.]; Ex. P [Def.	
4		Cnty.'s Suppl. Resp. to	
5		Pls.' Req. Prod.	
		Docs.].	
6			
7		Fed. R. Civ. P. 37(c)(1);	
8		Fed. R. Evid. 403.	
	25. Spreadsheet Re:	25. Relevance. The case	25. The evidence is
9	NIBIN Testing of 98	concerns the legality of	relevant to the issue of
10	Firearms (attached as Ex.	the administrative cost of	the actual costs of the
11	16C to the Declaration of	processing seized	seizure, storage,
12	Catherine L. Navetta).	firearms subject to Los	impounding and release
		Angeles County's \$54	of the Fernandez firearms
13		firearm storage fee,	as permitted by statute. The document is
14		which is by law limited to actual administrative	
15		costs. Time spent	authenticated by the witness. The statement is
		investigating crimes,	also not made
16		subjecting handguns to	inadmissible by the
17		ballistics testing, and	hearsay rule pursuant to
18		participating in the	F.R.E 803 (1)(6) and (8).
19		entirely voluntary NIBIN	The statement is also not
		program are general law	made inadmissible by the
20		enforcement functions	hearsay rule pursuant to
21		and are not relevant to	F.R.E 803 (1)(6) and (8).
22		the issues of this case.	There has been no failure
23			to disclose. In all
		Fed. R. Evid. 402.	responses to the
24			discovery the defendant
25		Lacks authentication. The	informed Plaintiff that the
26		spreadsheet (1) lacks any	firearms were tested
27		markings of authenticity;	through NIBIN.
		22	
28		-33-	

		(7)
1	(2) was not turned over in	(Plaintiff's Exhibit I,
2	discovery; and (3)	Bates pages 000481-
	appears to have been	000482).
3	created for this motion,	
4	though there is no	
5	evidence or declaration	
6	explaining where the information contained in	
7	the spreadsheet came from.	
8	HOIII.	
9	Fed. R. Evid. 901.	
10		
11	Hearsay. Declarant offers	
10	this out-of-court	
12	document to prove the	
13	truth of the matters	
14	asserted in the document,	
15	e.g., that a total of 97	
	firearms were processed by Deputy John Carter in	
16	2018 and 2019, that the	
17	time spent	
18	to process each firearm	
19	and enter it into NIBIN	
	was between 0.5 to 1.0	
20	hour per firearms, 11	
21	firearms were not fire due	
22	to malfunctions, and one	
23	firearm was not fired	
	because it was unsuitable	
24	for NIBIN.	
25	Fed. R. Evid. 801.	
26	Failure to Disclose.	
27	Defendants failed to	

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1		produce the "spreadsheet	
		for the testing of these 98	
2		firearms" even though	
3		Plaintiff requested the	
4		production of documents	
5		concerning the actual costs	
		incurred by the County	
6		when seizing, storing, or	
7		returning the Fernandez	
8		firearms. See Logan Decl.,	
		Ex.	
9		16C [NIBIN Log];	
10		Barvir Decl., Ex. K [Def.	
11		Cnty.'s Resp. to Pls.'	
12		Req. Prod. Docs.], Ex. P Def. Cnty.'s Suppl.	
		Resp. to Pls.' Req.	
13		Prod. Docs.].	
14		Trea. Bees.j.	
15		Fed. R. Civ. P. 37(c)(1);	
16		Fed. R. Evid. 403.	
17	26. Declaration of	26. Relevance. The case	26. The evidence is
	Catherine L. Navetta	concerns the legality of	relevant to the issue of
18	(attached as Ex. 16 to the	the administrative cost of	the actual costs of the
19	Declaration of Amber	processing seized	seizure, storage,
20	Logan) at ¶ 8:	firearms subject to Los	impounding and release
21	(4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Angeles County's \$54	of the Fernandez firearms
	"According to the data	firearm storage fee,	as permitted by statute.
22	pulled from PRELIMS	which is by law limited	Evidence is not barred under Rule 602 where a
23	and NIBIN, the firearms tested under this report	to actual administrative costs. Time spent	witness summarized
24	number were all tested by	investigating crimes,	evidence that had already
25	Deputy John Carter	subjecting handguns to	been offered. As to that
	(#459493) on the dates	ballistics testing, and	evidence, he testified
26	listed in the chart. Eleven	participating in the	from his personal
27			
28		-35-	

(11) of the ninety-eight (98) firearms were not fired due to prior malfunctions with the firearm. One (1) firearm was not fired because it was deemed unsuitable for NIBIN."

entirely voluntary NIBIN program are general law enforcement functions and are not relevant to the issues of this case.

Fed. R. Evid. 402.

Lacks personal knowledge. There is no information provided that the declarant has percipient or personal knowledge that informs her of the work of other individuals. Navetta does not have personal knowledge that "[e]leven of the 98 firearms were not fired due to prior malfunctions with the firearm" or that "[o]ne (1) firearm was not fired because it was deemed unsuitable for NIBIN." She does not declare that she was present when Deputy John Carter tested the weapons. Nor does she provide any other foundation for how she could know what happened when Carter tested them.

knowledge of the transcripts and exhibits. Hence Rule 602 does not bar his testimony. *United* States v. Lemire, 720 F.2d 1327, 1347 (D.C. Cir. 1983). Moreover a witness may testify to matters not personally known if the witness is standing in the shoes of a government entity. Cooley v. Lincoln Elec. *Co.*, 693 F. Supp. 2d 767, 791 (N.D. Ohio 2010). F.R.C.P. 30(b)(6). The statement is also not made inadmissible by the hearsay rule pursuant to F.R.E 803 (1)(6) and (8). There has been no failure to disclose. In all responses to the discovery the defendant informed Plaintiff that the firearms were tested through NIBIN. (Plaintiff's Exhibit I, Bates pages 000481-000482).

1	Fed. R. Evid. 602.
2	Hoorsay Dodlarant offers
3	Hearsay. Declarant offers this out-of-court
	document to prove the
4	truth of the matters
5	asserted in the document,
6	i.e., work completed by
	another person to
7	complete
8	ballistics testing for
9	NIBIN and the outcome of
10	that testing.
	Fed. R. Evid. 801.
11	Failure to Disclose.
12	Defendants did not
13	identify Catherine L.
	Navetta as a person likely
14	to have discoverable
15	information in their
16	FRCP 26(a) Initial
17	Disclosures, nor did they
	supplement those
18	disclosures when Ms.
19	Navetta was identified.
20	Defendants also failed to
21	produce the "spreadsheet
	for the testing of these 98
22	firearms" even though
23	Plaintiff requested the
24	production of documents
25	concerning the actual costs incurred by the
	County when seizing,
26	storing, or returning the
27	staring, or retaining the

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1		Fernandez firearms. See	
		Barvir Decl., Ex. H	
2		[Defs.' Initial	
3		Disclosures] at 459-63,	
4		Ex. K [Def. Cnty.'s Resp.	
5		to Pls.' Req. Prod. Docs.],	
		Ex. P [Def. Cnty.'s	
6		Suppl. Resp. to Pls.' Req.	
7		Prod. Docs.].	
8			
		Fed. R. Civ. P. 37(c)(1);	
9	27 D 1 1 C	Fed. R. Evid. 403.	27 T1 :1 :
10	27. Declaration of Catherine L. Navetta	27. Relevance. The case	27. The evidence is
11	(attached as Ex. 16 to the	concerns the legality of the administrative cost of	relevant to the issue of the actual costs of the
12	Declaration of Amber	processing seized	seizure, storage,
	Logan) at ¶ 9:	firearms subject to Los	impounding and release
13	Loguil) at 11 7.	Angeles County's \$54	of the Fernandez firearms
14	"At the time of the testing	firearm storage fee,	as permitted by statute.
15	of these weapons, it took	which is by law limited	Evidence is not barred
16	Deputy John Carter	to actual administrative	under Rule 602 where a
17	between 30 minutes to	costs. Time spent	witness summarized
	one hour per firearm,	investigating crimes,	evidence that had already
18	totaling between 48 and	subjecting handguns to	been offered. As to that
19	97 hours to complete the	ballistics testing, and	evidence, he testified
20	ballistics testing of the	participating in the	from his personal
	firearms from this	entirely voluntary NIBIN	knowledge of the
21	seizure."	program are general law	transcripts and exhibits.
22		enforcement functions	Hence Rule 602 does not
23		and are not relevant to	bar his testimony. <u>United</u>
24		the issues of this case.	<u>States v. Lemire</u> , 720
25		Fed. R. Evid. 402.	F.2d 1327, 1347 (D.C. Cir. 1983). Moreover a
		100.10.1010.102.	witness may testify to
26		Lacks personal	matters not personally
27	L	1 *	1 ,
28		-38-	

known if the witness is knowledge. There is no 1 information provided that standing in the shoes of a 2 the declarant has government entity. percipient or personal Cooley v. Lincoln Elec. 3 knowledge that informs Co., 693 F. Supp. 2d 767, 4 her of the work of other 791 (N.D. Ohio 2010). 5 individuals. Navetta does F.R.C.P. 30(b)(6). The statement is also not not have personal 6 knowledge that "it took made inadmissible by the 7 hearsay rule pursuant to Deputy John Carter 8 F.R.E 803 (1)(6) and (8). between 30 minutes to There has been no failure one hour per firearm, 9 totaling between 48 and to disclose. In all 10 97 hours to complete the responses to the 11 ballistics testing...." She discovery the defendant informed Plaintiff that the 12 does not declare that she was present when Deputy firearms were tested 13 John Carter tested the through NIBIN. 14 weapons. Nor does she (Plaintiff's Exhibit I, 15 provide any other Bates pages 000481foundation for how she 000482). 16 could know how long it 17 took Carter to test them. 18 Fed. R. Evid. 602. 19 20 Hearsay. Declarant offers 21 this out-of-court document to prove the 22 truth of the matters 23 asserted in the document, 24 i.e., the amount of time it took another person 25 to complete ballistics 26 testing for NIBIN. 27

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Fed. R. Evid. 801. Failure to Disclose. Defendants did not identify Catherine L. Navetta as a person likely to have discoverable information in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		
Failure to Disclose. Defendants did not identify Catherine L. Navetta as a person likely to have discoverable information in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	1	Fed. R. Evid. 801.
identify Catherine L. Navetta as a person likely to have discoverable information in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		Failure to Disclose.
Navetta as a person likely to have discoverable information in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	2	Defendants did not
to have discoverable information in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	3	identify Catherine L.
to have discoverable information in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	4	Navetta as a person likely
finormation in their FRCP 26(a) Initial Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		to have discoverable
Disclosures, nor did they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	5	information in their
they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	6	FRCP 26(a) Initial
they supplement those disclosures when Ms. Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	7	Disclosures, nor did
Navetta was identified. Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		they supplement those
Defendants also failed to produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	8	disclosures when Ms.
produce the "spreadsheet for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	9	Navetta was identified.
for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	10	Defendants also failed to
for the testing of these 98 firearms" even though Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	11	produce the "spreadsheet
Plaintiff requested the production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		for the testing of these 98
production of documents concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	12	
concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	13	
concerning the actual costs incurred by the County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	14	
County when seizing, storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		
storing, or returning the Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	15	
Fernandez firearms. See Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	16	
Barvir Decl., Ex. H [Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	17	
[Defs.' Initial Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	10	
Disclosures] at 459-63, Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		
Ex. K [Def. Cnty.'s Resp. to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	19	
to Pls.' Req. Prod. Docs.], Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	20	
Ex. P [Def. Cnty.'s Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	21	
Suppl. Resp. to Pls.' Req. Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.		
Prod. Docs.]. Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	22	
24 25 Fed. R. Civ. P. 37(c)(1); Fed. R. Evid. 403.	23	
26 Fed. R. Evid. 403.	24	Tiou. Docs.j.
26 Fed. R. Evid. 403.	25	Fed. R. Civ. P. 37(c)(1);
	26	
21		
	21	

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28. Declaration of Susan O'Leary Brown (attached as Ex. 14 to the Declaration of Amber Logan) at ¶ 31:

"After the firearms were released on December 19, 2019, I am informed and believe that two staff members at the Palmdale station spent another two weeks updating the AFS system to inform the DOJ and all law enforcement agencies that the Fernandez firearms had been released from Sheriff's Department custody."

28. Lacks personal knowledge. There is no information provided that the declarant has percipient or personal knowledge that informs her of the work of other individuals. Brown does not have personal knowledge "that two staff members at the Palmdale station spent another two weeks updating the AFS system." She does not declare that she herself participated in updating AFS after the firearms were released or that she was present when that work was done. Nor does she provide any other foundation for how she could know who did the work, when it was done, what work was done, or how long it took.

Fed. R. Evid. 602.

Hearsay. Declarant offers this out-of-court document to prove the truth of the matters asserted in the document, i.e., that two other 28. The witness has capacity to provide this evidence based on her personal observations in handling and processing the Fernandez firearms under F.R.E. 602. Evidence is not barred under Rule 602 where a witness summarized evidence that had already been offered. As to that evidence, he testified from his personal knowledge of the transcripts and exhibits. Hence Rule 602 does not bar his testimony. *United* States v. Lemire, 720 F.2d 1327, 1347 (D.C. Cir. 1983). Moreover a witness may testify to matters not personally known if the witness is standing in the shoes of a government entity. Cooley v. Lincoln Elec. Co., 693 F. Supp. 2d 767, 791 (N.D. Ohio 2010). F.R.C.P. 30(b)(6). There has been no failure to disclose. In all responses to the discovery the defendant

informed Plaintiff that the

1	Palmdale staff member	ers firearms had to be
2	spent two weeks upda	ting processed for release to
2	AFS after the release	of the Plaintiff's designated
3	the Fernandez firearm	s. representative. This
4		included updating the
5	Fed. R. Evid. 801.	computer systems
3		reflecting where the
6	Failure to disclose.	firearms were sent.
7	Defendants failed to	(Plaintiff's Exhibit I,
8	disclose that, after the	1 0
	firearms were released	/
9	December 19, 2019, to	wo
10	staff members at the	
11	Palmdale Station spen	t
	another two weeks	
12	updating AFS. To the	
13	contrary, Defendants	1
14	did not describe this w	Ork
15	at all when asked to	iblo
	"[d]escribe, in reasona	
16	detail, every step takes the COUNTY, its	1 by
17	employees, OR	
18	contractors when seiz	nσ
19	storing, AND returning	
	the FERNANDEZ	5
20	FIREARMS." See Ba	rvir
21	Decl., Ex. I [Def. Cnt	/.'s
22	Resp. to Pl.'s Interrog	
	Set 1] at 482-83, Ex. J	
23	[Def. Cnty.'s Supp. R	esp.
24	to Pl.'s Interrogs., Set	1]
25	at 493-95.	
26		
	Fed. R. Civ. P. 37(c)(1	1);
27		

<u> </u>		
	Fed. R. Evid. 403.	
29. Declaration of Susan	29. Lacks personal	29. The witness has
Brown (attached as Ex. 14	knowledge. There is no	capacity to provide this
to the Declaration of	information provided that	evidence based on her
Amber Logan) at ¶ 32, in	the declarant has	personal observations in
part:	percipient or personal	handling and processing
	knowledge that informs	the Fernandez firearms
"The weapons seized	this statement. O'Leary	under F.R.E. 602. The
from Mr. Fernandez were	Brown has no personal	witnesses' perception of
not in pristine condition	knowledge about the	the condition of the
when we received them at	condition of the firearms	firearms is not unduly
the station. The	when they were received.	prejudicial. The statement
overwhelming majority of	She does not declare that	is also not made
the long guns and rifles	she was present at the	inadmissible by the
had damage	search or that she	hearsay rule pursuant to
(scratches/nicks) to the	observed the condition of	F.R.E 803 (1)(6) and (8).
barrels and stocks, some	the firearms at the time	
of the stocks were split."	they were seized and	
	before their transport to	
	the Palmdale Station.	
	Brown's statement is	
	uncorroborated by any	
	photographic evidence of	
	the individual firearms or	
	their condition taken by	
	LASD personnel—let	
	alone photographs taken	
	before they were	
	unpackaged, thrown into	
	the bed of a pickup truck	
	without any protective	
	covering or wrapping,	
	laid on the hard cement at	
	the Palmdale Station to	
	flaunt the haul, and	

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1		tossed into plastic bins,	
2		trash cans, or a laundry	
		basket for carrying and	
3		storage. Nor is Brown	
4		qualified as an expert on	
5		whether or not a firearm	
6		is in "pristine" condition.	
7		Fed. R. Evid. 602.	
8		Unfairly prejudicial. The	
9		statement is unfairly	
10		prejudicial because it	
11		seems to assume the	
		firearms were in a	
12		damaged condition upon	
13		seizure, when in fact,	
14		they were transported all packed together on a	
15		truck and were arguably	
16		damaged during transit.	
17		E 1 D E 11 402	
18	20 Danasition of John	Fed. R. Evid. 403.	30. This witness has
19	30. Deposition of John Roth (attached as Ex. 11	30. Lacks personal knowledge. There is no	capacity to provide this
	to the Declaration of	information provided that	evidence based on his
20	Amber Logan) at 91:16-	the declarant has	personal observations in
21	92:4:	percipient or personal	seizing and handling
22		knowledge that informs	more than 100 of the
23	"Q: Okay. Did you notice	this statement. Roth	Fernandez firearms under
24	anything or what, if anything, did you notice	admitted that he was only present "on the back end	F.R.E. 602. The witness's lay opinion regarding the
25	about the condition of the	of the – the tail part of	condition of the firearms
26	firearms that you were	the initial [Caprock]	based on his observations
	looking through at that	search, and the vast	as one of the deputies
27			
28		-44-	

time?	majority of firearms had	who seized them, is not
A: I noticed that the	already been seized." He	inadmissible. F.R.E. Rule
firearms kind of had a	also admitted that	701.
there was a theme	whatever damage he	
amongst them. And the	claimed to have observed	
theme for a large body of	during the first search	
them were military-style	was to guns "that were	
rifles, middle of the 19th	already seized prior to	
Century. And they	[his] arrival." He could	
weren't pristine. They	not have known firsthand	
weren't for the time	how "the majority" of the	
period maybe a desirable	guns were stored or what	
feature, but natural	condition they were	
condition of the firearms,	found in, a fact that Roth	
I don't recall seeing any	conceded: "I was unable	
that I thought, wow, this	to see the seizure or the	
is a well-cared-for	condition of the items	
firearm. A lot of them just	seized prior to my arrival,	
appeared to be old,	so anything, I guess,	
haphazardly strewn about,	would be speculative on	
and not cared for in a manner that would be	the condition." Logan	
	Decl., Ex. 11 [Roth Dep.] at 77:4-9.	
indicative of an antiquity or a fine firearm collector,	at //.4-9.	
if that makes sense."	Additionally, Roth is not	
II diat makes sense.	qualified as an expert on	
	firearm condition or	
	storage.	
	Fed. R. Evid. 602.	
31. Deposition of Wyatt	31. Lacks personal	31. The witness's
Waldron (attached as Ex.	knowledge. There is no	testimony relates to his
3 to the Declaration of	information provided that	observation of a
Amber Logan) at 119:2-7:	the declarant has	photograph offered by the
	percipient or personal	Plaintiff and is not

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28

"Q: I'll admit I'm speculating a little there, but the close-up shots all do seem to involve scratches or dings on the firearms, yes.

A: Yeah, I don't know because if you look at the original photos in the truck, it kind of shows it. But most of these olderstyle wood grain stocks were all like that. They were all that way when they were recovered, so I don't know specifically why those photos were taken of those."

knowledge that informs this statement. Waldron has no personal knowledge that "most of these older-style wood grain stocks were all like that [i.e., scratched or dinged]. He did not personally handle most or all of the firearms with wood grain stocks. He admitted that he personally handled only about 20-30 firearms and several from the garage of the nearly 400 firearms seized during the first search of the Caprock residence. He admits that he discovered them and immediately handed them off to other personnel for tagging, loading, and transporting. Logan Decl., Ex. 3 [Waldron Dep.] at 49:8-50:11.

There is no admissible evidence—including photographs, video, or police reports drafted at the time of the seizure—supporting Waldron's self-serving

evidence that he could not discern the condition of the firearms based on his own observations as a seizing deputy under Rule 602.

1		claim that most (or	
		"all") of the guns	
2		contained scratches or	
3		dings in them prior to	
4		transport to the Palmdale	
		Station.	
5			
		Fed. R. Evid. 602.	
	32. Deposition of Wyatt	32. Lacks personal	32. This witness has
	Waldron (attached as Ex.	knowledge. There is no	capacity to provide this
	3 to the Declaration of	information provided that	evidence based on his
	Amber Logan) at 82:25-	the declarant has	personal observations in
	83:20:	percipient or personal	seizing the Fernandez
	Q: "At the search earlier	knowledge that informs	firearms under F.R.E.
	that day at the Fernandez	this statement. Waldron	602. The witness's lay
	residence, you said you	could not personally	opinion regarding the
	found firearms strewn	know that 90% of the	condition of the firearms
	about throughout the	firearms seized from	based on his observations
	house. Were any of the	Manuel Fernandez were	as one of the deputies
	firearms stored in safes or	not stored in a box, safe,	who seized them, is not
	in cases?	or other kinds of	inadmissible. F.R.E. Rule
	A: Yes.	protective case. He did	701.
	Q: Okay. What how	not personally handle	
	many would you say	most or all of the firearms	
	were stored in cases	seized. On the contrary,	
	versus ones that were	he admitted that he	
	just lying around?	personally handled only	
	A: I remember	about 20-30 firearms and	
	personally opening up	several from the garage	
	- and forgive me, I	during the first search of	
	don't remember if it	the Caprock residence.	
	was a glass case or just	He admits that he	
	a wood case. But I remember in the	discovered them and	
	garage against the back	immediately handed them off to other personnel for	
	garage against the back	off to other personner for	

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1	wall behind a bunch of	tagging, loading, and
	stuff – I'll just call it stuff	transporting. Logan
2	– unpiling all that stuff,	Decl., Ex. 3 [Waldron
3	and there was some type	Dep.] at 49:8-50:11.
4	of cabinet that when you	There is no admissible
5	opened it had some guns.	evidence—including
	To estimate, I would say	photographs, video, or
6	five to ten inside of it.	police reports drafted at
7	Q: Understood. So as a	the time of the seizure—
8	percentage, you'd say the majority were not in cases	supporting Waldron's self-serving
9	or safes?	claim that "90% of the
	or sures.	firearms were not in any
10	A: Yeah, I would be	kind of box, safe, or any
11	comfortable saying 90	kind of protective case."
12	percent of the firearms	
13	were not in any kind of	Fed. R. Evid. 602.
14	box, safe, or any kind of	
	protective case."	
15		
16		
17	DATED: April 18, 2024	LOGAN MATHEVOSIAN & HUR LLP
18		
19		By: s / Amber A. Logan
		AMBER A. LOGAN
20		Attorneys for Defendants,
21		County of Los Angeles, et al.
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