

1 Mansfield Law Office, A Professional Corporation  
2 Andrew S. Mansfield (SB No. 174556)  
3 45121 Ukiah St.  
4 P.O. Box 2402  
5 Mendocino, CA 95460  
6 707-937-0820 / FAX 707-937-0834

7 Attorney for Plaintiff Mary Geddry

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO  
9 TEN-MILE BRANCH

10 MARY GEDDRY, ) UNLIMITED  
11 )  
12 Plaintiff, ) Case No.: SCTM CVPO 02 88145  
13 vs. )  
14 ) **PLAINTIFF'S STATEMENT OF**  
15 ) **DISPUTED AND UNDISPUTED FACTS**  
16 ) **IN RESPONSE TO DEFENDANTS DEE**  
17 ) **IVERSEN'S AND JOHN IVERSEN'S**  
18 ) **SEPARATE STATEMENT OF**  
19 ) **UNDISPUTED MATERIAL FACTS IN**  
20 ) **SUPPORT OF MOTION FOR SUMMARY**  
21 ) **ADJUDICATION**  
22 )  
23 ) DATE: August 28, 2003  
24 ) TIME: 10:00 A.M.  
25 ) CTRM: TM  
26 ) TRIAL DATE: November 4, 2003  
27 )  
28 )

1. Ron Iversen and Marlene Iversen are Undisputed.  
husband and wife.

*Request for Judicial Notice; Second Amended  
Complaint; Defendants Ron Iversen's and  
Marlene Iversen's Answer to Second  
Amended Complaint.*

2. Don Iversen is a son of Ron Iversen Undisputed.

1 and Marlene Iversen.

2 *Request for Judicial Notice; Second Amended*  
3 *Complaint; Defendants Ron Iversen's and*  
4 *Marlene Iversen's Answer to Second*  
5 *Amended Complaint.*

6 3. Ron Iversen and Marlene Iversen live Disputed. Mary Geddry has moved to  
7 adjacent to Mary Geddry. Oregon. At the time of the incident, Ron and

8 *Request for Judicial Notice; Second Amended* Marlene Iversen lived adjacent to Mary  
9 *Complaint; Defendants Ron Iversen's and* Geddry. Deposition of Mary Geddry, Vol I,  
10 *Marlene Iversen's Answer to Second* at 32:1 to 33:7.  
11 *Amended Complaint.*

12 4. Don Iversen lives adjacent to Mary Disputed. Mary Geddry has moved to  
13 Geddry. Oregon. At the time of the incident, Don

14 *Request for Judicial Notice; Second Amended* Iversen lived adjacent to Mary Geddry.  
15 *Complaint; Defendants Ron Iversen's and* Deposition of Mary Geddry, Vol I, at 32:1 to  
16 *Marlene Iversen's Answer to Second* 33:7.  
17 *Amended Complaint.*

18 5. On June 1, 2002, Don Iversen shot Undisputed.  
19 Mary Geddry's dog, Junior, a.k.a. Brutus.

20 *Requests for Admissions of Truth and Facts*  
21 *(Set One), Exhibit A, page 2, paragraph 1;*  
22 *Defendant Don Iversen's Response to*  
23 *Requests for Admissions of Truth and Facts*  
24 *(Set One), Exhibit B, page 1, response 1.*

25 6. Prior to the shooting of Junior, neither Dee Disputed. Declaration of Robert Arbayo, p.  
Iversen nor John Iversen had any discussions 5, paragraph 20, also p. 7, paragraph 27, also  
with Mark Kalina or Barbara Kalina p.8, paragraph 34, also p. 10, paragraph 34 in  
regarding ridding the neighborhood of Mary which Lt. Arbayo concludes, "The  
Geddry's dog, Junior, a.k.a. Brutus. There coordination of the May 2002 letter from the  
were discussions with Animal Control about Kalinas and the increased phone calls and  
Junior. complaints, both about Mary Geddry's dog,

1 *Declaration of Dee Iversen, 1:22-28; 2:1-17;*  
2 *Declaration of Ron Iversen; Declaration of*  
3 *Marlene Iversen; Declaration of Mark*  
4 *Kalina; Declaration of Barbara Kalina;*  
5 *Declaration of Don Iversen; Declaration of*  
6 *John Iversen.*

from two neighbors on either side of her  
property, indicate to me that Mark Kalina,  
Barbara Kalina, Don Iversen, Dee Iversen,  
Ron Iversen and Marlene Iversen discussed  
individually and/or collectively having  
Animal Care & Control kill or remove Mary  
Geddry's dog prior to the shooting. When  
that effort failed, the only inference from the  
facts is that there was some collusion  
between these individuals who then planned  
the shooting of Mary Geddry's dog," see  
also p. 12, paragraph 52 on Lt. Arbayo's  
statement that his conclusions are not  
speculation, and finally, p. 12, paragraph 54  
for Lt. Arbayo's expert opinion.

7. Prior to the shooting of Junior, neither Dee  
Iversen nor John Iversen had any discussions  
with Mark Kalina, Barbara Kalina, Don  
Iversen, Ron Iversen, Marlene Iversen, or  
each other regarding shooting or killing Mary  
Geddry's dog, Junior, a.k.a. Brutus.

Disputed. Declaration of Robert Arbayo, p.  
5, paragraph 20, also p. 7, paragraph 27, also  
p.8, paragraph 34, also p. 10, paragraph 34 in  
which Lt. Arbayo concludes, "The  
coordination of the May 2002 letter from the  
Kalinis and the increased phone calls and  
complaints, both about Mary Geddry's dog,  
from two neighbors on either side of her  
property, indicate to me that Mark Kalina,  
Barbara Kalina, Don Iversen, Dee Iversen,

22 *Declaration of Dee Iversen, 2:18-26;*  
23 *Declaration of Ron Iversen; Declaration of*  
24 *Marlene Iversen; Declaration of Mark*  
25 *Kalina; Declaration of Barbara Kalina;*  
*Declaration of Don Iversen; Declaration of*  
*John Iversen.*

1 Ron Iversen and Marlene Iversen discussed  
2 individually and/or collectively having  
3 Animal Care & Control kill or remove Mary  
4 Geddry's dog prior to the shooting. When  
5 that effort failed, the only inference from the  
6 facts is that there was some collusion  
7 between these individuals who then planned  
8 the shooting of Mary Geddry's dog," see  
9 also p. 12, paragraph 52 on Lt. Arbayo's  
10 statement that his conclusions are not  
11 speculation, and finally, p. 12, paragraph 54  
12 for Lt. Arbayo's expert opinion.

13 8. Prior to the shooting of Junior, neither Dee  
14 Iversen nor John Iversen ever concurred,  
15 planned, agreed, or conspired with Mark  
16 Kalina, Barbara Kalina, Don Iversen, Dee  
17 Iversen, John Iversen, or each other to rid the  
18 neighborhood of Mary Geddry's dog, Junior,  
19 a.k.a. Brutus.

20 *Declaration of Dee Iversen, 1:22028; 2:1-17;*  
21 *Declaration of Ron Iversen; Declaration of*  
22 *Marlene Iversen; Declaration of Mark*  
23 *Kalina; Declaration of Barbara Kalina;*  
24 *Declaration of Don Iversen; Declaration of*  
25 *John Iversen.*

Disputed. Declaration of Robert Arbayo, p.  
5, paragraph 20, also p. 7, paragraph 27, also  
p.8, paragraph 34, also p. 10, paragraph 34 in  
which Lt. Arbayo concludes, "The  
coordination of the May 2002 letter from the  
Kalinas and the increased phone calls and  
complaints, both about Mary Geddry's dog,  
from two neighbors on either side of her  
property, indicate to me that Mark Kalina,  
Barbara Kalina, Don Iversen, Dee Iversen,  
Ron Iversen and Marlene Iversen discussed  
individually and/or collectively having  
Animal Care & Control kill or remove Mary

1 Geddry's dog prior to the shooting. When  
2 that effort failed, the only inference from the  
3 facts is that there was some collusion  
4 between these individuals who then planned  
5 the shooting of Mary Geddry's dog," see  
6 also p. 12, paragraph 52 on Lt. Arbayo's  
7 statement that his conclusions are not  
8 speculation, and finally, p. 12, paragraph 54  
9 for Lt. Arbayo's expert opinion.

10 9. Prior to the shooting of Junior, neither Dee  
11 Iversen nor John Iversen ever concurred,  
12 planned, agreed, or conspired with Mark  
13 Kalina, Barbara Kalina, Don Iversen, Ron  
14 Iversen, Marlene Iversen, or each other to  
15 shoot or kill Mary Geddry's dog, Junior,  
16 a.k.a. Brutus.

17 *Declaration of Dee Iversen, 2:18-26;*  
18 *Declaration of Ron Iversen; Declaration of*  
19 *Marlene Iversen; Declaration of Mark*  
20 *Kalina; Declaration of Barbara Kalina;*  
21 *Declaration of Don Iversen; Declaration of*  
22 *John Iversen.*

23 Disputed. Declaration of Robert Arbayo, p.  
24 5, paragraph 20, also p. 7, paragraph 27, also  
25 p.8, paragraph 34, also p. 10, paragraph 34 in  
which Lt. Arbayo concludes, "The  
coordination of the May 2002 letter from the  
Kalinis and the increased phone calls and  
complaints, both about Mary Geddry's dog,  
from two neighbors on either side of her  
property, indicate to me that Mark Kalina,  
Barbara Kalina, Don Iversen, Dee Iversen,  
Ron Iversen and Marlene Iversen discussed  
individually and/or collectively having  
Animal Care & Control kill or remove Mary  
Geddry's dog prior to the shooting. When  
that effort failed, the only inference from the  
facts is that there was some collusion

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

10. Prior to the shooting of Junior, neither Dee Iversen nor John Iversen had any knowledge of any plan to rid the neighborhood of Mary Geddry's dog, Junior, a.k.a. Brutus.

*Declaration of Dee Iversen, 1:22-28; 2:1-17; Declaration of Ron Iversen; Declaration of Marlene Iversen; Declaration of Mark Kalina; Declaration of Barbara Kalina; Declaration of Don Iversen; Declaration of John Iversen.*

between these individuals who then planned the shooting of Mary Geddry's dog," see also p. 12, paragraph 52 on Lt. Arbayo's statement that his conclusions are not speculation, and finally, p. 12, paragraph 54 for Lt. Arbayo's expert opinion.

Disputed. Declaration of Robert Arbayo, p. 5, paragraph 20, also p. 7, paragraph 27, also p.8, paragraph 34, also p. 10, paragraph 34 in which Lt. Arbayo concludes, "The coordination of the May 2002 letter from the Kalinas and the increased phone calls and complaints, both about Mary Geddry's dog, from two neighbors on either side of her property, indicate to me that Mark Kalina, Barbara Kalina, Don Iversen, Dee Iversen, Ron Iversen and Marlene Iversen discussed individually and/or collectively having Animal Care & Control kill or remove Mary Geddry's dog prior to the shooting. When that effort failed, the only inference from the facts is that there was some collusion between these individuals who then planned the shooting of Mary Geddry's dog," see also p. 12, paragraph 52 on Lt. Arbayo's

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

11. Prior to the shooting of Junior, neither Dee Iversen nor John Iversen had any knowledge of any plan to shoot or kill Mary Geddry's dog, Junior, a.k.a. Brutus.

*Declaration of Dee Iversen 2:18-26; Declaration of Ron Iversen; Declaration of Marlene Iversen; Declaration of Mark Kalina; Declaration of Barbara Kalina; Declaration of Don Iversen; Declaration of John Iversen.*

statement that his conclusions are not speculation, and finally, p. 12, paragraph 54 for Lt. Arbayo's expert opinion.

Disputed. Declaration of Robert Arbayo, p. 5, paragraph 20, also p. 7, paragraph 27, also p.8, paragraph 34, also p. 10, paragraph 34 in which Lt. Arbayo concludes, "The coordination of the May 2002 letter from the Kalinas and the increased phone calls and complaints, both about Mary Geddry's dog, from two neighbors on either side of her property, indicate to me that Mark Kalina, Barbara Kalina, Don Iversen, Dee Iversen, Ron Iversen and Marlene Iversen discussed individually and/or collectively having Animal Care & Control kill or remove Mary Geddry's dog prior to the shooting. When that effort failed, the only inference from the facts is that there was some collusion between these individuals who then planned the shooting of Mary Geddry's dog," see also p. 12, paragraph 52 on Lt. Arbayo's statement that his conclusions are not speculation, and finally, p. 12, paragraph 54 for Lt. Arbayo's expert opinion.

1 12. Prior to the shooting of Junior, neither  
2 Dee Iversen nor John Iversen ever had any  
3 discussions with Mark Kalina or Barbara  
4 Kalina regarding reducing, minimizing,  
5 influencing, or ending any law enforcement  
6 investigation into the shooting or planning of  
7 the shooting of Mary Geddry's dog, Junior,  
8 a.k.a. Brutus.

9 *Declaration of Dee Iversen, 3:1-27; 4:1-24;*  
10 *Declaration of Ron Iversen; Declaration of*  
11 *Marlene Iversen; Declaration of Mark*  
12 *Kalina; Declaration of Barbara Kalina;*  
13 *Declaration of Don Iversen; Declaration of*  
14 *John Iversen.*

Disputed. Declaration of Robert Arbayo, p.  
5, paragraph 20, also p. 7, paragraph 27, also  
p.8, paragraph 34, also p. 10, paragraph 34 in  
which Lt. Arbayo concludes, "The  
coordination of the May 2002 letter from the  
Kalinias and the increased phone calls and  
complaints, both about Mary Geddry's dog,  
from two neighbors on either side of her  
property, indicate to me that Mark Kalina,  
Barbara Kalina, Don Iversen, Dee Iversen,  
Ron Iversen and Marlene Iversen discussed  
individually and/or collectively having  
Animal Care & Control kill or remove Mary  
Geddry's dog prior to the shooting. When  
that effort failed, the only inference from the  
facts is that there was some collusion  
between these individuals who then planned  
the shooting of Mary Geddry's dog," see  
also p. 12, paragraph 52 on Lt. Arbayo's  
statement that his conclusions are not  
speculation, and finally, p. 12, paragraph 54  
for Lt. Arbayo's expert opinion. In addition,  
Mr. Kalina's involvement in the cover up is  
detailed in the Declaration of Robert Arbayo,  
p. 11, paragraph 51.

1 13. Prior to the shooting of Junior, neither  
2 Dee Iversen nor John Iversen ever had  
3 knowledge of any plan for Mark Kalina or  
4 Barbara Kalina to reduce, minimize,  
5 influence, or end any law enforcement  
6 investigation into the shooting or planning of  
7 the shooting of Mary Geddry's dog, Junior,  
8 a.k.a. Brutus.

9 *Declaration of Dee Iversenm 3:1-27;4:1-24;*  
10 *Declaration of Ron Iversen; Declaration of*  
11 *Marlene Iversen; Declaration of Mark*  
12 *Kalina; Declaration of Barbara Kalina;*  
13 *Declaration of Don Iversen; Declaration of*  
14 *John Iversen.*

Disputed. Declaration of Robert Arbayo, p.  
5, paragraph 20, also p. 7, paragraph 27, also  
p.8, paragraph 34, also p. 10, paragraph 34 in  
which Lt. Arbayo concludes, "The  
coordination of the May 2002 letter from the  
Kalinis and the increased phone calls and  
complaints, both about Mary Geddry's dog,  
from two neighbors on either side of her  
property, indicate to me that Mark Kalina,  
Barbara Kalina, Don Iversen, Dee Iversen,  
Ron Iversen and Marlene Iversen discussed  
individually and/or collectively having  
Animal Care & Control kill or remove Mary  
Geddry's dog prior to the shooting. When  
that effort failed, the only inference from the  
facts is that there was some collusion  
between these individuals who then planned  
the shooting of Mary Geddry's dog," see  
also p. 12, paragraph 52 on Lt. Arbayo's  
statement that his conclusions are not  
speculation, and finally, p. 12, paragraph 54  
for Lt. Arbayo's expert opinion.

23 14. Prior to the shooting of Junior, neither  
24 Dee Iversen nor John Iversen ever tampered  
25 with, removed, or altered in any fashion any

Undisputed.

1 gate or fence enclosing Mary Geddry's  
2 property nor did they instruct anyone to do  
3 so.

4 *Declaration of Dee Iversen, 4:27-28; 5:2-4;*  
5 *Declaration of Ron Iversen; Declaration of*  
6 *Marlene Iversen; Declaration of Mark*  
7 *Kalina; Declaration of Barbara Kalina;*  
8 *Declaration of Don Iversen; Declaration of*  
9 *John Iversen.*

10 15. Prior to the shooting of Junior, neither Undisputed.  
11 Dee Iversen nor John Iversen had any  
12 knowledge that anyone tampered with,  
13 removed, or altered in any fashion any gate  
14 or fence enclosing Mary Geddry's property.

15 *Declaration of Dee Iversen, 4:27-28; 5:2-4;*  
16 *Declaration of Ron Iversen; Declaration of*  
17 *Marlene Iversen; Declaration of Mark*  
18 *Kalina; Declaration of Barbara Kalina;*  
19 *Declaration of Don Iversen; Declaration of*  
20 *John Iversen.*

21 Dated this \_\_\_\_ Day of August , 2003

22 By: \_\_\_\_\_  
23 Andrew S. Mansfield  
24 (SB No. 174556)  
25 45121 Ukiah St.  
P.O. Box 2402  
Mendocino, CA 95460  
707-937-0820  
FAX 707-937-0834

Attorney for Plaintiff  
MARY GEDDRY