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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 STATEMENT OF**
17) **UNDISPUTED FACTS IN SUPPORT OF**
18) **DEFENDANTS MARK KALINA'S AND**
19) **BARBARA KALINA'S MOTION FOR**
20) **SUMMARY JUDGMENT**
21)
22) DATE: August 28, 2003
23) TIME: 10:00 A.M.
24) CTRM: TM
25) TRIAL DATE: November 4, 2003

18 Plaintiff presents the following responses to Defendants Mark Kalina's and Barbara
19 Kalina's undisputed facts:

20 1. During their conversations on June Disputed. Declaration of Robert Arbayo, p.
21 1 and 3, 2002, Mark Kalina informed 6, paragraph 24, "During the course of the
22 Sergeant Bushnell that he would not discuss, Animal Care & Control investigation of this
23 participate in or provide any advice regarding matter, which I personally lead, I discovered
24 the investigation, decisions to prosecute or that Mark Kalina had a conversation with
25 prosecutions, arising from the shooting Sheriff's Deputy Sergeant Bushnell on the

1 incident because he believed that his role as a
2 potential witness and as an Assistant District
3 Attorney created a conflict of interest.

4 *Declaration of Mark Kalina ¶¶ 7 and 9; and,*
5 *Declaration of John D. Bushnell, ¶¶ 4 and 6.*

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12 2. On June 3, 2002, Mark Kalina
13 informed District Attorney Vroman that he
14 would not discuss, participate in or provide
15 any advice regarding the investigation,
16 decisions to prosecute or prosecutions, arising
17 from the shooting incident because he
18 believed he had a conflict of interest.

19 *Declaration of Mark Kalina, ¶ 11;*
20 *Declaration of Norman Vroman, ¶ 5.*

21 3. Mark Kalina and Barbara Kalina
22 had never spoken to Don Iversen or John
23 Iversen, the alleged perpetrators of the
24 stalking and shooting, regarding plaintiff's
25 dog at any time prior to the shooting incident.

Declaration of Don Iversen, ¶ 2; Declaration

evening of June 1st shortly after the shooting.

In reviewing the Sheriff's report, I noted that
this conversation was not recorded. This is
not typical law enforcement procedure. In
working with the Sheriff's Department, they
record all interviews. If, as Mark Kalina
declared, he would not discuss, participate in
or provide advice concerning a matter such
as this shooting, his statements to that effect
should have been recorded in the Sheriff's
report;" see also p. 7, paragraphs 25 and 26.

Disputed. Declaration of Robert Arbayo , p.
7, paragraph 27 through p. 8, paragraph 32.

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

1 *of John Iversen, ¶ 2; Declaration of Barbara*
2 *Kalina, ¶ 2; and, Declaration of Mark Kalina,*
3 *¶ 2.*

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.

18 4. The Kalinas had no discussions with
19 Don Iversen, John Iversen, Ron Iversen,
20 Marlene Iversen, nor did Mark Kalina have
21 any discussions with Dee Iversen, regarding
22 ridding the neighborhood of plaintiff’s dog
23 prior to the shooting incident.

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

24 *Declaration of Dee Iversen, ¶ 2; Declaration*
25 *of Barbara Kalina, ¶ 3; Declaration of*
Don Iversen, ¶ 3; Declaration of John
Iversen, ¶ 3; Declaration of Marlene Iversen,
¶ 2; Declaration of Mark Kalina, ¶ 3; and,

1 *Declaration of Ron Iversen, ¶ 2.*

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.

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15 5. At no time prior to June 1, 2002, did
16 Barbara Kalina have discussions with Mark
17 Kalina or Dee Iversen regarding "ridding" the
18 neighborhood of plaintiff's dog, other than
19 notifying Animal Control.

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

20 *Declaration of Mark Kalina, ¶ 3; Declaration*
21 *of Barbara Kalina, ¶ 3; and, Declaration of*
22 *Dee Iversen, ¶ 2.*

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

12 6. None of the defendants had (or
13 currently have) any knowledge of an alleged
14 plan to rid the neighborhood of plaintiff's
15 dog.

16 *Declaration of Dee Iversen, ¶ 2; Declaration*
17 *of Brabara Kalina, ¶ 3; Declaration of Don*
18 *Iversen, ¶ 3; Declaration of John Iversen, ¶*
19 *3; Declaration of Marlene Iversen, ¶ 2;*
20 *Declaration of Mark Kalina, ¶ 3; and,*
21 *Declaration of Ron Iversen, ¶ 2.*

12 Disputed. Declaration of Robert Arbayo, p.
13 5, paragraph 20, also p. 7, paragraph 27, also
14 p.8, paragraph 34, also p. 10, paragraph 34 in
15 which Lt. Arbayo concludes, "The
16 coordination of the May 2002 letter from the
17 Kalinas and the increased phone calls and
18 complaints, both about Mary Geddry's dog,
19 from two neighbors on either side of her
20 property, indicate to me that Mark Kalina,
21 Barbara Kalina, Don Iversen, Dee Iversen,
22 Ron Iversen and Marlene Iversen discussed
23 individually and/or collectively having
24 Animal Care & Control kill or remove Mary
25 Geddry's dog prior to the shooting. When

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

9 7. Prior to the shooting incident on
10 June 1, 2002, Mark and Barbara Kalina had
11 no discussions with each other, or any other
12 defendant, regarding shooting, killing, or
13 aiding in the shooting or killing of, plaintiff’s
14 dog.

15 *Declaration of Dee Iversen, ¶ 3; Declaration*
16 *of Barbara Kalina, ¶ 5; Declaration of Don*
17 *Iversen, ¶ 4; Declaration of John Iversen, ¶*
18 *4; Declaration of Marlene Iversen, ¶ 3;*
19 *Declaration of Mark Kalina, ¶ 5; and,*
20 *Declaration of Ron Iversen, ¶ 3.*

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

1 the shooting of Mary Geddry’s dog,” see
2 also p. 12, paragraph 52 on Lt. Arbayo’s
3 statement that his conclusions are not
4 speculation, and finally, p. 12, paragraph 54
5 for Lt. Arbayo’s expert opinion.

6 8. Mark and Barbara Kalina never
7 concurred, planned, agreed or conspired to
8 shoot or kill plaintiff’s dog.

9 *Declaration of Dee Iversen, ¶ 3; Declaration*
10 *of Barbara Kalina, ¶ 5; Declaration of Don*
11 *Iversen, ¶ 4; Declaration of John Iversen, ¶*
12 *4; Declaration of Marlene Iversen, ¶ 3;*
13 *Declaration of Mark Kalina, ¶ 5; and,*
14 *Declaration of Ron Iversen, ¶ 3.*

15 Disputed. Declaration of Robert Arbayo, p.
16 5, paragraph 20, also p. 7, paragraph 27, also
17 p.8, paragraph 34, also p. 10, paragraph 34 in
18 which Lt. Arbayo concludes, “The
19 coordination of the May 2002 letter from the
20 Kalinas and the increased phone calls and
21 complaints, both about Mary Geddry’s dog,
22 from two neighbors on either side of her
23 property, indicate to me that Mark Kalina,
24 Barbara Kalina, Don Iversen, Dee Iversen,
25 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

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9. Mark and Barbara Kalina have never had knowledge of any alleged plan to shoot plaintiff's dog.

Declaration of Mark Kalina, ¶ 4; and Declaration of Barbara Kalina, ¶ 4.

10. Mark and Barbara Kalina have

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. Disputed. Declaration of Robert Arbayo, p.

1 never had discussions with anyone, including
2 Don Iversen, John Iversen, Ron Iversen, Dee
3 Iversen, or Marlene Iversen, regarding how to
4 make the shooting of plaintiff's dog appear to
5 be legal self-defense.

6 *Declaration of Dee Iversen, ¶ 4; Declaration*
7 *of Barbara Kalina, ¶ 6; Declaration of Don*
8 *Iversen, ¶ 5; Declaration of John Iversen, ¶*
9 *6; Declaration of Marlene Iversen, ¶ 4;*
10 *Declaration of Mark Kalina, ¶ 6; and,*
11 *Declaration of Ron Iversen, ¶ 4.*

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.

22 11. Mark and Barbara Kalina never
23 instructed, advised or informed Dee Iversen,
24 Don Iversen, John Iversen, Marlene Iversen,
25 or Ron Iversen, about how to make the

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

1 shooting appear to be a legal self-defense.

2 *Declaration of Dee Iversen, ¶ 4; Declaration*
3 *of Barbara Kalina, ¶ 6; Declaration of Don*
4 *Iversen, ¶ 5; Declaration of John Iversen, ¶*
5 *6; Declaration of Marlene Iversen, ¶4;*
6 *Declaration of Mark Kalina, ¶ 6; and,*
7 *Declaration of Ron Iversen, ¶ 4.*

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.

12. There was never any plan,
agreement or conspiracy between Mark and
Barbara Kalina and any of the other co-
defendants to make the shooting of plaintiff’s
dog appear to be legal self-defense.

24 *Declaration of Dee Iversen, ¶ 4; Declaration*
25 *of Barbara Kalina, ¶ 6; Declaration of John*
Iversen, ¶ 6; Declaration of Marlene Iversen,
¶ 4; Declaration of Mark Kalina, ¶ 6; and,
Declaration of Ron Iversen, ¶ 4.

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,

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

16 13. Mark Kalina and Barbara did not
17 and do not know of any alleged plan to make
18 the shooting of plaintiff's dog appear to be
19 legal self-defense.

20 *Declaration of Mark Kalina, ¶ 6; and*
21 *Declaration of Barbara Kalina, ¶ 6.*

22 Disputed. Declaration of Robert Arbayo, p.
23 5, paragraph 20, also p. 7, paragraph 27, also
24 p.8, paragraph 34, also p. 10, paragraph 34 in
25 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,

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 14. Mark Kalina did not discuss,
14 participate in, or provide any advice regarding
15 the investigation, decisions to prosecute or
16 prosecutions arising from the shooting
17 incident, to Sergeant Bushnell, any other law
18 enforcement officer, District Attorney
19 Vroman, or any other employee of the District
20 Attorney's office.

21 *Declaration of John D. Bushnell, ¶ 7;*
22 *Declaration of Norman Vroman, ¶ 6; and*
23 *Declaration of Mark Kalina, ¶¶ 10 and 12.*

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

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

1 the shooting of Mary Geddry’s dog,” see
2 also p. 12, paragraph 52 on Lt. Arbayo’s
3 statement that his conclusions are not
4 speculation.

5 15. Mark Kalina never discussed or
6 agreed with anyone, including Don Iversen,
7 John Iversen, Ron Iversen, Dee Iversen,
8 Marlene Iversen or Barbara Kalina, to use his
9 position as an Assistant District Attorney to
10 reduce, minimize or end any law enforcement
11 or district attorney inquiry of the shooting or
12 the alleged planning of the shooting of
13 plaintiff’s dog.

14 *Declaration of Dee Iversen, ¶¶ 5 and 6;*
15 *Declaration of Barbara Kalina, ¶¶ 7 and 8;*
16 *Declaration of Don Iversen, ¶¶ 6 and 7;*
17 *Declaration of John Iversen, ¶¶ 7 and 8;*
18 *Declaration of Marlene Iversen, ¶¶ 5 and 6;*
19 *Declaration of Mark Kalina, ¶¶ 10 and 12;*
20 *and, Declaration of Ron Iversen, ¶¶ 5 and 6.*

21 Disputed. Declaration of Robert Arbayo, p.
22 5, paragraph 20, also p. 7, paragraph 27, also
23 p.8, paragraph 34, also p. 10, paragraph 34 in
24 which Lt. Arbayo concludes, “The
25 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

1 for Lt. Arbayo’s expert opinion, see also p. 5,
2 paragraph 20, also p. 7, paragraph 27, also
3 p.8, paragraph 34, also p. 10, paragraph 34 in
4 which Lt. Arbayo concludes, “The
5 coordination of the May 2002 letter from the
6 Kalinas and the increased phone calls and
7 complaints, both about Mary Geddry’s dog,
8 from two neighbors on either side of her
9 property, indicate to me that Mark Kalina,
10 Barbara Kalina, Don Iversen, Dee Iversen,
11 Ron Iversen and Marlene Iversen discussed
12 individually and/or collectively having
13 Animal Care & Control kill or remove Mary
14 Geddry’s dog prior to the shooting. When
15 that effort failed, the only inference from the
16 facts is that there was some collusion
17 between these individuals who then planned
18 the shooting of Mary Geddry’s dog,” see
19 also p. 12, paragraph 52 on Lt. Arbayo’s
20 statement that his conclusions are not
21 speculation.

22 16. Barbara Kalina did not encourage
23 or influence her husband to use his position as
24 an Assistant District Attorney to reduce,
25 minimize or end any law enforcement

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

1 investigation of the shooting.

2 *Declaration of Mark Kalina, ¶¶ 10*
3 *and 12; and, Declaration of Barbara Kalina,*
4 *¶¶ 7 and 8.*

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, see also 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

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

14 17. Barbara Kalina did not discuss or
15 agree with anyone to encourage or influence
16 Mark Kalina to use his position as an
17 Assistant District Attorney to reduce,
18 minimize or end any law enforcement
19 investigation of the shooting or the planning
20 of the shooting of plaintiff's dog.

21 *Declaration of Mark Kalina, ¶¶ 10 and 12;*
22 *and, Declaration of Barbara Kalina, ¶¶ 7 and*
23 *8; Declaration of Dee Iversen, ¶¶ 7 and 8;*
24 *Declaration of Don Iversen, ¶¶ 8 and 9;*
25 *Declaration of John Iversen, ¶¶ 9 and 10;*
Declaration of Marlene Iversen, ¶¶ 7 and 8;
Declaration of Mark Kalina, ¶¶ 10 and 12;
and, Declaration of Ron Iversen, ¶¶ 7 and 8.

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

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

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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.

Dated this _____ Day of August, 2003

By: _____
Andrew S. Mansfield
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