

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 RON**
17) **IVERSEN'S AND MARLENE 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
TRIAL DATE: November 4, 2003

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, Ron and

14 *Request for Judicial Notice; Second Amended* Marlene Iversen lived adjacent to Mary
15 *Complaint; Defendants Ron Iversen's and* Geddry. Deposition of Mary Geddry, Vol I,
16 *Marlene Iversen's Answer to Second* at 32:1 to 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 Ron Disputed. Declaration of Robert Arbayo, p.
Iversen nor Marlene Iversen had any 5, paragraph 20, also p. 7, paragraph 27, also
discussions with Mark Kalina or Barbara p.8, paragraph 34, also p. 10, paragraph 34 in
Kalina regarding ridding the neighborhood of which Lt. Arbayo concludes, "The
Mary Geddry's dog, Junior, a.k.a. Brutus. coordination of the May 2002 letter from the
There were discussions with other family Kalinas and the increased phone calls and
members, John Iversen, Dee Iversen, and complaints, both about Mary Geddry's dog,

1 John Iversen regarding calling Animal
2 Control about Junior.
3 *Declaration of Ron Iversen; Declaration of*
4 *Marlene Iversen; Declaration of Mark*
5 *Kalina; Declaration of Barbara Kalina;*
6 *Declaration of Don Iversen; Declaration of*
7 *Dee Iversen; Declaration of 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.

16 7. Prior to the shooting of Junior, neither Ron
17 Iversen nor Marlene Iversen had any
18 discussions with Mark Kalina, Barbara
19 Kalina, Don Iversen, Dee Iversen, John
20 Iversen, or each other regarding shooting or
21 killing Mary Geddry's dog, Junior, a.k.a.
22 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,

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
Dee 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 Ron
14 Iversen nor Marlene 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 Ron Iversen; Declaration of*
21 *Marlene Iversen; Declaration of Mark*
22 *Kalina; Declaration of Barbara Kalina;*
Declaration of Don Iversen; Declaration of
Dee Iversen; Declaration of John Iversen.

23 Disputed. Declaration of Robert Arbayo, p.
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complaints, both about Mary Geddry's dog,
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Barbara Kalina, Don Iversen, Dee Iversen,
Ron Iversen and Marlene Iversen discussed
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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 Ron
11 Iversen nor Marlene Iversen ever concurred,
12 planned, agreed, or conspired with Mark
13 Kalina, Barbara Kalina, Don Iversen, Dee
14 Iversen, John Iversen, or each other to shoot
15 or kill Mary Geddry's dog, Junior, a.k.a.
16 Brutus.

17 *Declaration of Ron Iversen; Declaration of*
18 *Marlene Iversen; Declaration of Mark*
19 *Kalina; Declaration of Barbara Kalina;*
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21 *Dee Iversen; Declaration of John Iversen.*

22 Disputed. Declaration of Robert Arbayo, p.
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25 which Lt. Arbayo concludes, "The
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Barbara Kalina, Don Iversen, Dee Iversen,
Ron Iversen and Marlene Iversen discussed
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Geddry's dog prior to the shooting. When
that effort failed, the only inference from the
facts is that there was some collusion

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

Declaration of Ron Iversen; Declaration of Marlene Iversen; Declaration of Mark Kalina; Declaration of Barbara Kalina; Declaration of Don Iversen; Declaration of Dee 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

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

Declaration of Ron Iversen; Declaration of Marlene Iversen; Declaration of Mark Kalina; Declaration of Barbara Kalina; Declaration of Don Iversen; Declaration of Dee Iversen; Declaration of John Iversen.

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1 12. Prior to the shooting of Junior, neither
2 Ron Iversen nor Marlene Iversen ever had
3 any 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 Ron Iversen; Declaration of*
10 *Marlene Iversen; Declaration of Mark*
11 *Kalina; Declaration of Barbara Kalina;*
Declaration of Don Iversen; Declaration of
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23 13. Prior to the shooting of Junior, neither
24 Ron Iversen nor Marlene Iversen ever had
25 knowledge of any plan for Mark Kalina or

Disputed. Declaration of Robert Arbayo, p.
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Barbara Kalina, Don Iversen, Dee Iversen,
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1 Barbara Kalina to reduce, minimize,
2 influence, or end any law enforcement
3 investigation into the shooting or planning of
4 the shooting of Mary Geddry's dog, Junior,
5 a.k.a. Brutus.

6 *Declaration of Ron Iversen; Declaration of*
7 *Marlene Iversen; Declaration of Mark*
8 *Kalina; Declaration of Barbara Kalina;*
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20 14. Prior to the shooting of Junior, neither
21 Ron Iversen nor Marlene Iversen ever
22 tampered with, removed, or altered in any
23 fashion any gate or fence enclosing Mary
24 Geddry's property nor did they instruct
25 anyone to do so.

Undisputed.

Declaration of Ron Iversen; Declaration of

1 *Marlene Iversen; Declaration of Mark*
2 *Kalina; Declaration of Barbara Kalina;*
3 *Declaration of Don Iversen; Declaration of*
4 *Dee Iversen; Declaration of John Iversen.*

5 15. Prior to the shooting of Junior, neither Undisputed.
6 Ron Iversen nor Marlene Iversen had any
7 knowledge that anyone tampered with,
8 removed, or altered in any fashion any gate
9 or fence enclosing Mary Geddry's property.

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 *Dee Iversen; Declaration of John Iversen.*

15 Dated this ____ Day of August , 2003

16 By: _____

17 Andrew S. Mansfield
18 (SB No. 174556)
19 45121 Ukiah St.
20 P.O. Box 2402
21 Mendocino, CA 95460
22 707-937-0820
23 FAX 707-937-0834

24 Attorney for Plaintiff
25 MARY GEDDRY