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**Tomas A. Guterres, Esq. (State Bar No. 152729)**  
**Catherine M. Mathers, Esq. (State Bar No. 221983)**  
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Attorneys for Defendants, COUNTY OF LOS ANGELES, DEPUTY DAVID CHEVEZ and DEPUTY LAWRENCE SWANSON, JR.

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

N.G. AND L.G., minors, by and ) CASE NO. CV13-008312-SVW(FFMx)  
through their Guardian ad Litem, ) [Assigned to Judge Stephen V. Wilson,  
Lilliana Magallon; SARA PEREZ, ) Courtroom 6]  
)  
Plaintiffs, ) **MOTION IN LIMINE NO. 2 TO**  
) **EXCLUDE EVIDENCE OF OR**  
vs. ) **REFERENCE TO FBI OR OTHER**  
) **INVESTIGATIONS INVOLVING THE**  
) **LASD; DECLARATION OF ERIN**  
COUNTY OF LOS ANGELES; ) **DUNKERLY AND EXHIBITS**  
LEROY BACA, DEPUTIES DAVID )  
CHEVEZ and LAWRENCE )  
SWANSON, JR.; AND DOES 3 – 10, ) **PRETRIAL CONF: May 12, 2014**  
) **TIME: 3:00 p.m.**  
Defendants. ) **COURTROOM: 6**  
)  
) **Trial Date: May 20, 2014**  
) *Meet & Confer pursuant to Local Rule 7-3*  
) *April 7, 2014*

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I.

**INTRODUCTION**

Defendants David Chevez and Lawrence Swanson, Jr., move for an order in limine excluding all evidence, testimony, or reference to the investigation of the LASD by the FBI or prosecution of LASD personnel. Counsel for plaintiff has in the depositions of LASD personnel made reference to current, unrelated investigations by the FBI and current criminal proceedings related to other members of the LASD. Such investigations and prosecutions are irrelevant to the issues in this case. Therefore, such reference by plaintiffs would only serve to prejudice defendants by being harassing and annoying and would further take up a needless amount of time and would risk inflaming the passions of the jury.

II.

**PLAINTIFFS WOULD REFERENCE OTHER, UNRELATED INVESTIATIONS AND PROSECUTIONS OF THE LASD TO UNDULY INFLUENCE THE JURY**

At the depositions of LASD personnel, including Deputy Chevez, Homicide Detective Salerno, and Homicide Detective Duval, counsel for plaintiff has made reference to the other investigations into the LASD by the FBI and Justice Department. Declaration of Erin Dunkerly (“Dunkerly Decl.”) at ¶3, Exhibit (“Ex.”) A (Deposition of Chevez, Vol. 1), 40:4-8; ¶4, Ex. B (Deposition of Det. Salerno) 11:5-13; and ¶5, Ex. C (Deposition of Det. Duval) 7:10-8:1.

While initially, the statements by plaintiffs’ counsel may appear innocuous under the auspicious of an admonition in a deposition that the deponents tell the truth, by the time of the latest deposition, that of Duval, the “admonition” became an overt reference to a current, unrelated prosecution of other LASD deputies:

“BY MR. CASSELMAN: So not to suggest that you would do that, but if there are any allegations of perjury or obstruction of justice, those would be investigated by the FBI and it would be a

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Federal matter in the literal sense and prosecuted by the Justice Department; and in fact, unfortunately, there are number of deputies who are being prosecuted as we speak.”

Dunkerly Decl. at ¶5, Ex. C (Deposition of Det. Duval) 7:10-8:1. News of indictments of LASD personnel and investigations into the LASD has been and are currently in the local news. Dunkerly Decl. at ¶6-7. None of these news stories reference or have anything to do with Gutierrez or the facts of this case. Dunkerly Decl. at ¶6-7.

**III.**

**EVIDENCE OR REFERENCE TO UNRELATED INVESTIGATIONS  
BY THE FBI OR PROSECUTIONS OF OTHER LASD PERSONNEL  
WOULD WORK A SEVERE PREJUDICE TO DEFENDANTS**

Evidence, testimony, or reference to the investigation of the LASD by the FBI or prosecution of LASD personnel should be excluded from trial because they are irrelevant. See FRE 401 and 402 (relevance). Aside from the investigation into the incident involving Jilberto Gutierrez on October 18, 2012, no investigation into the LASD or other deputies is at issue in this case. To the extent plaintiffs argue that they are entitled to reference other investigations relative to their *Monell* claim, that cause of action is currently stayed by this Court. (See Docket No. 28.)

Given that news of other, unrelated prosecutions or investigations into the LASD are in the media, were plaintiffs to reference the FBI or these other prosecutions, even in passing, during this trial, it would not only be wholly irrelevant, it would risk creating the impression in juror minds that there is some connection between the actions of Deputies Chevez and Swanson with the actions of other personnel in the LASD. To do such would not only be based merely on hearsay and argumentative conjecture of plaintiffs’ counsel, it would be severely prejudicial to defendants. Deputies Chevez and Swanson are entitled to a trial as to their actions alone, and should not be burdened with addressing the alleged actions of other

1 members of the department. See FRE 403 (probative value is outweighed by unfair  
2 prejudice); FRE 801(c) (hearsay); Dunkerly Decl. at ¶6-7.

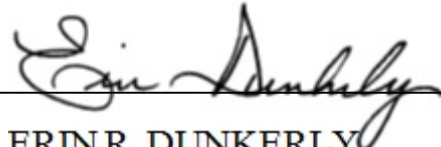
3 **IV.**

4 **CONCLUSION**

5 At time of trial, several LASD deputies, including defendants Chevez and  
6 Swanson are likely to testify under oath. For plaintiffs' counsel to make reference,  
7 even passing reference, to the possibility of an FBI investigation or federal  
8 prosecution, while ostensibly as an admonition, would in actuality unduly prejudice  
9 the Defendants. Therefore, Defendants respectfully request reference to such unrelated  
10 investigations and prosecutions be excluded from trial.

11 DATED: April 14, 2014

COLLINS COLLINS MUIR + STEWART LLP

12  
13 By: 

14 ERIN R. DUNKERLY  
15 TOMAS A. GUTERRES  
16 CATHERINE M. MATHERS  
17 Attorneys for Defendants, COUNTY OF  
18 LOS ANGELES, DEPUTY DAVID  
19 CHEVEZ and DEPUTY LAWRENCE  
20 SWANSON, JR.

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**DECLARATION OF ERIN R. DUNKERLY, ESQ.**

I, Erin R. Dunkerly, declare:

1. I am an attorney admitted to practice before all the courts of the State of California. I am an associate in the law firm of Collins, Collins, Muir + Stewart, LLP, counsel of record for Defendants herein, County of Los Angeles, Leroy Baca, Deputy Lawrence Swanson, David Chevez. The following facts and circumstances are personally known to me and if called upon to do so, I could and would competently testify as to them. As to those matters stated upon information and belief, I am informed and believe them to be true.

2. This declaration is provided in support of Chevez and Swanson’s Motion in limine number two.

3. Attached hereto as Exhibit “A” is a true and correct copy of relevant portions of the deposition of LASD Deputy David Chevez, Vol. 1, which was taken on March 5, 2014.

4. Attached hereto as Exhibit “B” is a true and correct copy of relevant portions of the deposition of LASD Homicide Detective Frank Salerno, which was taken on the morning of April 1, 2014.

5. Attached hereto as Exhibit “C” is a true and correct copy of relevant portions of the deposition of LASD Homicide Detective Ronal Duval, which was taken in the afternoon of April 1, 2014.

6. I am informed and believe that the United States Attorney has issued indictments in the Central District of California as to LASD personnel who are not parties to this case related to probe into alleged wrongdoing in the Los Angeles County Jail system, Sheriff’s Department, and investigations by the FBI and Justice Department. I am further informed and believe that such investigations have been covered extensively by national and local news media, including but not limited to the *New York Times* and *Los Angeles Times*.

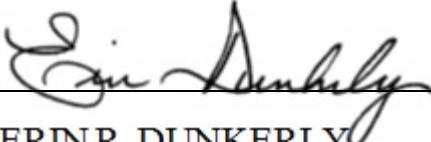
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7. I am informed and believe that at trial, evidence of any other investigations into the LASD, its personnel or prosecution of the same would severely prejudice the defendants in this case. Were plaintiffs permitted to introduce evidence or argument or even suggest other investigations or prosecutions of LASD personnel, it would suggest to the jury that this case is somehow related to the other investigations which have been covered by local media when there is no actual evidence or cause of action at issue that suggests this to be the case. Such reference would confuse the jury and could inflame their passions or bias against law enforcement.

8. I met and conferred with plaintiffs' counsel regarding this and other motions in limine by sending a letter on April 7, 2014, which identified the proposed motions in limine and the legal basis for each. I also spoke with all three plaintiffs' counsel by telephone on April 10, 2014 and we were unable to resolve this issue.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed April 14, 2014, at South Pasadena, California.

  
ERIN R. DUNKERLY

# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by and	)	
through their Guardian ad Litem,	)	
Lilliana Magallon; SARA PEREZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No.
	)	CV13-008312-SVW
COUNTY OF LOS ANGELES; LEROY	)	(FFMx)
BACA; DAVID CHEVEZ; LAURENCE	)	
SWANSON, ; and DOES 5-10,	)	Volume I
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF DAVID CHEVEZ  
Los Angeles, California  
Wednesday, March 5, 2014

Reported by: Elena C. Chester  
CSR No. 10274  
NDS Job No.: 161028



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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by and	)	
through their Guardian ad Litem,	)	
Lilliana Magallon; SARA PEREZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No.
	)	CV13-008312-SVW
COUNTY OF LOS ANGELES; LEROY	)	(FFMx)
BACA; DAVID CHEVEZ; LAURENCE	)	
SWANSON, ; and DOES 5-10,	)	Volume I
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF DAVID CHEVEZ,  
taken on behalf of the Plaintiffs, at 4311  
Wilshire Boulevard, Suite 308, Los Angeles,  
California, on Wednesday, March 5, 2014,  
beginning at 10:30 A.M. and ending at 2:57 P.M.,  
before Elena C. Chester, Certified Shorthand  
Reporter Number 10274.

1 APPEARANCES:

2

3 For the Plaintiffs:

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24 For the Defendants:

25 COLLINS COLLINS MUIR + STEWART, LLP  
BY: CATHERINE M. MATHERS, ESQ.  
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Also Present:

DEPUTY LAWRENCE E. SWANSON, JR.

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DEPONENT

DAVID CHEVEZ

EXAMINATION

PAGE

By Mr. Casselman

6

EXHIBITS

MARKED

DESCRIPTION

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Exhibit 1 Deponent's sketch of the hospital room

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Exhibit 2 Side-view photo of Deputy Chevez, standing/leaning position

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Exhibit 3 Front-view photo of Deputy Chevez, standing/leaning position

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QUESTIONS SUBJECT TO INSTRUCTION NOT TO ANSWER

(None)

INFORMATION REQUESTED

(None)

1 LOS ANGELES, CALIFORNIA;

2 WEDNESDAY, MARCH 5, 2014; 10:30 A.M.

3

4 MR. CASSELMAN: Good morning. Today is  
5 March 5, 2014. We are here, in the office of  
6 Mr. Ogbogu. And that's at 4311 Wilshire Boulevard,  
7 Suite 308, Los Angeles, California. And this is  
8 the deposition of David Chevez, C-h-e-v-e-z. And  
9 this is the case of N.G. and L.G., et al., v.  
10 County of Los Angeles, et al.; in U.S. District  
11 Court; Case CV13-008312-SVW (FFMx).

12 My name is Gary Casselman. And pursuant  
13 to Federal Rules of Civil Procedure, Rule 28, I  
14 will be the person video-ing the proceedings here.  
15 I'm also an attorney for the plaintiffs, and so I  
16 will be multitasking.

17 Hopefully, we won't have too many  
18 construction workers whistling outside our window.

19 In any event, sir, have you ever had your  
20 deposition taken before?

21 THE DEPONENT: No.

22 THE REPORTER: Counsel, would you like me  
23 to swear the witness in?

24 MR. CASSELMAN: All right. Let's go  
25 ahead and swear the witness.

1 Q. (Unintelligible.)

2 (Two or more voices speaking at once.)

3 (Reporter's request to speak one at a  
4 time.)

5 Q. BY MR. CASSELMAN: What do you call --  
6 how do you know a person who's a drug-recognition  
7 expert? What's the acronym that you understand?

8 A. Narcotics expert.

9 Q. So you've never heard "DRE" before?

10 A. I have heard of the term, yes.

11 Q. So when I asked you, you didn't recognize  
12 it?

13 MS. MATHERS: Objection. Argumentative.  
14 He's already explained that there are many acronyms  
15 that are "DRE."

16 MR. CASSELMAN: That doesn't explain his  
17 answer that he didn't know what it was.

18 THE DEPONENT: Well, sir, my logic was  
19 that I'm in a law office; I'm not at work. So when  
20 you are asking me "DRE," you are being very  
21 vague.

22 Q. BY MR. CASSELMAN: Vague? Okay.

23 A. That's why I did not know what a DRE was.  
24 Sorry.

25 Q. I see. You understand that you are under

1 oath, the same oath that you'd be given in a court  
2 of law, and this is a federal proceeding?

3 A. Yes, sir.

4 Q. And if you are found to have given false  
5 testimony, that would be a federal matter, would be  
6 potentially investigated by the FBI and prosecuted,  
7 if there was a prosecution, by the Justice  
8 Department?

9 A. Yes, I'm fully aware of that.

10 Q. All right. So as a -- when did you take  
11 your training as a narcotics expert?

12 A. We take it throughout our careers. And  
13 obviously, in the academy, we do have a 40-hour  
14 block of narcotics training. After the academy, we  
15 spend several times in the jail. I spent about  
16 four and a half years inside jail. During my four  
17 and a half years in jail, I was able to speak  
18 candidly with very -- numerous number (sic) of  
19 inmates who have spoken to me about their drug use  
20 inside the jails, their drug use outside of the  
21 jails.

22 Along with my three and a half -- or four  
23 and a half years of custody experience, I'm  
24 currently a member of California Narcotics  
25 Officers' Association, where I receive monthly

1 MR. SHTOFMAN: And it will be treated as  
2 though he had signed?

3 MR. CASSELMAN: And it will be treated as  
4 though he had signed it.

5 MS. MATHERS: So stipulated.

6 MR. CASSELMAN: Thank you. Okay. I'm  
7 ending the --

8 MS. MATHERS: And one more thing. And  
9 the videotape of this proceeding will be provided  
10 to counsel?

11 MR. CASSELMAN: There is no tape, but the  
12 recording will be made available.

13 MS. MATHERS: Thank you for that  
14 correction, but yes.

15 MR. CASSELMAN: Sure. For the record,  
16 end of video.

17 THE REPORTER: The deposition session is  
18 completed.

19 (Deposition session concluded at 2:57 P.M.)  
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PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
at \_\_\_\_\_, \_\_\_\_\_.  
(CITY) (STATE)

\_\_\_\_\_  
DAVID CHEVEZ



1 STATE OF CALIFORNIA )  
 ) ss:  
 2 COUNTY OF LOS ANGELES )

3

4 I, ELENA C. CHESTER, do hereby certify:

5 That I am a duly qualified Certified Shorthand  
 6 Reporter, in and for the State of California, holder of  
 7 certificate number 10274, which is in full force and  
 8 effect and that I am authorized to administer oaths and  
 9 affirmations;

10 That the foregoing deposition testimony of the  
 11 herein named witness was taken before me at the time and  
 12 place herein set forth;

13 That prior to being examined, the witness named  
 14 in the foregoing deposition, was duly sworn or affirmed  
 15 by me, to testify the truth, the whole truth, and  
 16 nothing but the truth;

17 That the testimony of the witness and all  
 18 objections made at the time of the examination were  
 19 recorded stenographically by me, and were thereafter  
 20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true  
 22 and accurate record of the proceedings and testimony to  
 23 the best of my skill and ability;

24 That prior to the completion of the foregoing  
 25 deposition, review of the transcript was requested.

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I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
ELENA C. CHESTER, CSR No. 10274

# **EXHIBIT B**



Deposition of Frank Salerno, taken on behalf of the Plaintiffs, at 4311 Wilshire Boulevard, Suite 308, Los Angeles, California, commencing at 10:23 a.m., Tuesday, April 1, 2014, before Tara Thomas, CSR No. 8495, a Certified Shorthand Reporter for the State of California, pursuant to Notice.

\* \* \*

Appearances of Counsel:

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For Defendants:

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By: ERIN R. DUNKERLY, Attorney at Law  
1100 El Centro Street  
South Pasadena, California 91030  
(626) 243-1100

Also Present:

Edward Ortega

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I N D E X

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EXHIBITS

(NONE)

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LOS ANGELES, CALIFORNIA  
TUESDAY, APRIL 1, 2014  
10:23 A.M.

\* \* \*

MR. CASSELMAN: Today is April 1, 2014; and the time is approximately 10:23. And we're here in the office of Mr. Samuel Ogbogu. And my name is Gary Casselman. Mr. Ogbogu and I and another attorney who is not here are Counsel for the Plaintiffs in this case. And I'm also multitasking, if you will, operating this little camera next to me.

And this deposition is taken pursuant to notice by the Plaintiffs and is in the case of N.G. and L.G. versus County of Los Angeles; U.S. District Court; Case No. CV 13-008312-SVW (FFMx).

And Ms. Reporter, if you would swear the witness at this time. Oh, one more thing. Let's just have a sound check. So each person can introduce themselves so the video will know who's talking or at least we'll have that identification by voice.

MS. DUNKERLY: Erin Dunkerly for Defendants.

1 THE WITNESS: Frank Salerno.

2 COURT REPORTER: Tara Thomas, court  
3 reporter.

4 MR. CASSELMAN: Gary Casselman.

5 MR. OGBOGU: Samuel Ogbogu.

6 MR. ORTEGA: Ed Ortega.

7 MR. CASSELMAN: All right. Now can you  
8 swear the witness, please, Ms. Reporter.

9

10 FRANK SALERNO,  
11 the witness herein, having been  
12 first duly sworn, testified as follows:

13

14 EXAMINATION

15 BY MR. CASSELMAN:

16 Q. Could you state your full name and  
17 any middle name, if you have a middle name.

18 A. Frank John Salerno.

19 Q. Thank you.

20 And at the risk of what your  
21 Counsel has probably advised you, this is the case  
22 that I announced on the record and this is your  
23 deposition. This was previously noticed as a  
24 Person Most Knowledgeable deposition, but it was  
25 converted to ask for you by name.



1                   And have you had your deposition  
2 taken before?

3                   A.    Yes.   Probably the last time was at  
4 least 12, 13 years ago.

5                   Q.    Was that in a case in which the  
6 County of Los Angeles was a party?

7                   A.    No.   It was the city of Montebello.

8                   Q.    And would you like me to explain  
9 what a deposition is and what we're doing here and  
10 the rules of the road, so to speak?

11                  A.    If you could briefly.  It's been a  
12 while since I've had one, so yes.

13                  Q.    Certainly.

14                               The lady to your left, to my right  
15 is the certified stenographic reporter; otherwise  
16 known as a court reporter.  She is taking down  
17 what is being said in the room.  Although we have  
18 a video camera that's getting things as they're  
19 spoken, the official record is the reporter; and  
20 so if you have a response, please use words  
21 because nods of the head, gestures or if you say,  
22 well, here, there, it shows up on transcript as  
23 "here," "there" and there is no point of  
24 reference.  So try to use words of description  
25 rather than words that are ambiguous.

1                   There are times when attorneys,  
2 Ms. Dunkerly may want to object. She's been known  
3 to do that in the past. So the reporter asks that  
4 only one person speak at a time so that she can do  
5 her job correctly. When several people speak,  
6 which is common in casual conversation, she gets a  
7 little crazy and has to -- not crazy, but  
8 frustrated and has to choose who to get on the  
9 record. So she'll probably say something like,  
10 one at a time or can you repeat that. We can make  
11 her job a little easier and get a more accurate  
12 record if we just take turns.

13                   When I'm finished with my question,  
14 Ms. Dunkerly may have an objection. So let's just  
15 leave a little bit of space in between so  
16 everybody can do their job or what they think they  
17 need to do.

18                   If at the end of -- at the end of  
19 this proceeding, the reporter will prepare her  
20 notes into a transcript and it will probably take  
21 a few weeks unless it's expedited, but that will  
22 be made available to you to make any changes that  
23 you think are appropriate.

24                   The only caveat I have about that  
25 is if you make what lawyers call, a material

1 change. Then that could be commented on at the  
2 time of trial or other hearing.

3 So just to give a simple example.  
4 If this was a car accident case involving an  
5 intersection collision, and you said, well, I had  
6 the green light and then later you said, I had a  
7 red light or vice-versa, that would be considered  
8 a material change and somebody could suggest that  
9 you either weren't truthful or you didn't know or  
10 to use the George Bush phrase misremembered.

11 And any of those things could be  
12 detrimental to one side or the other, depending on  
13 the nature of the change.

14 So it's best, although you have the  
15 opportunity to make changes later to try to get it  
16 right the first time. And then that opportunity  
17 or that problem won't arise.

18 I've been doing this a long time,  
19 as I understand you have, but --

20 A. Yes.

21 Q. -- but I don't ask perfect  
22 questions and sometimes people don't understand  
23 and sometimes I even think it's a bad question.  
24 So if you don't understand, please let me know,  
25 because I really can't always tell. I usually

1 can't tell what people have going on in their  
2 minds. But if you tell me, I don't understand or  
3 I wasn't listening or I didn't hear that or  
4 anything that communicates that you need the  
5 question reread, rephrased or redone in some way,  
6 I'll be happy to do that and we'll move on.

7 If I ask a question and you  
8 respond, then the record will show a question and  
9 an answer; and most folks reading it will assume,  
10 well, he understood the question because if he  
11 didn't he would have said so, as he was advised.

12 Does that seem fair?

13 A. Yes.

14 Q. And if as sometimes happens you  
15 realize that you gave an answer during the  
16 deposition that you want to change or add to or  
17 change in some other way, please let me know.  
18 Because the way the mind works sometimes you have  
19 a back burner process going and suddenly you  
20 remember something else or something that you  
21 didn't before and that is fine. So just speak up  
22 and say, oh, I want to add something to my prior  
23 response or answer.

24 Occasionally there may be something  
25 that you don't remember and I'll say, well, we'll

1 leave a blank in the deposition and if there's  
2 something that you can review that would give you  
3 the information, will you add that in later and  
4 then you can say yes or no or whatever.

5 Because lawyers give the same  
6 example to move things along, why should I be  
7 different. And you'll be asked questions about  
8 things that you perceive through your senses. So  
9 for example, if I asked you to describe the table  
10 before you, the one that, you know, you're  
11 touching and you can see it. Then you would at  
12 least have some perceptions of it that you could  
13 relate through your verbal response.

14 Now, if I asked you to describe the  
15 dining room table, for instance, at Ms. Dunkerly's  
16 residence. Unless you've been there, you would  
17 have no information at all and that would simply  
18 be guess. I don't think so, but she could even be  
19 homeless and not even have a home, much less a  
20 dining room table. But the point here is that you  
21 don't have to guess at anything. And the  
22 difference between an estimate and a guess is that  
23 one is based on information that you have or had;  
24 the other is based on nothing but just random  
25 chance response.

1           You're not required to do that and  
2           if you don't know something, you can say, I don't  
3           know. If you don't remember something, you can  
4           say, I don't remember.

5                     This is a Federal proceeding. So  
6           the oath that you've taken is the same that you  
7           would be given in the U.S. District Court. So I  
8           don't think that will be a problem. But I'm  
9           obliged to inform you that if there is any issue  
10          with not telling the truth, that would be a  
11          Federal matter. The FBI would look into it. The  
12          Justice Department might get involved; and  
13          frankly, you don't need that. No one does.

14                    So now, is there anything that I  
15           left out of the admonition that anybody feels  
16           constrained to add? No?

17                    MR. OGBOGU: No.

18                    BY MR. CASSELMAN:

19                    Q. All right.

20                    Did you get enough sleep last night  
21           so you feel well enough to proceed?

22                    A. Yes.

23                    Q. The incident that we're talking  
24           about happened in October of 2012; so there's been  
25           the passage of time, but apart from that is there

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MS. DUNKERLY: So stipulated.

MR. CASSELMAN: So stipulated.

That concludes this proceeding.

It's 3:02 p.m.

MS. DUNKERLY: Yes, expedite, please.

MR. CASSELMAN: Now we're concluded.

3:03 p.m. off video.

(Time ended: 3:03 p.m.)

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I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true as stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_, \_\_\_\_\_ (City) (State)

\_\_\_\_\_  
Frank Salerno



1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )

4  
5  
6 I, Tara Thomas, CSR No. 8495, a  
7 Certified Shorthand Reporter in and for the State  
8 of California, do hereby certify:

9 That the foregoing deposition was taken  
10 before me at the time and place therein set forth,  
11 at which time the witness was put under oath by  
12 me; that the testimony of the witness and all  
13 objections made at the time of the examination  
14 were recorded stenographically by me to the best  
15 of my ability and were thereafter transcribed  
16 under my direction; that the foregoing is a true  
17 record of the testimony and of all objections made  
18 at the time of the examination.

19  
20 In witness whereof, I have subscribed my  
21 name this 7th day of April, 2014.

22  
23 \_\_\_\_\_  
24 Tara Thomas  
25 Certified Shorthand Reporter  
No. 8495

# **EXHIBIT C**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., Minors by and	)	
through their Guardian ad Litem)	)	
Lilliana Magallon; SARA PEREZ,	)	
	)	
Plaintiffs,	)	
vs.	)	NO. CV13-008312
	)	SVW (FFMx)
COUNTY OF LOS ANGELES;	)	
LEROY BACA, DAVID CHEVEZ,	)	
LAURENCE SWANSON, DOES 5-10,	)	
	)	
	)	
Defendants.	)	
_____	)	

DEPOSITION OF RONALD DUVAL  
TUESDAY, APRIL 1, 2014  
3:06 P.M.

Reported by: Tara Thomas, CSR No. 8495

Deposition of Ronald Duval, taken on behalf of the Plaintiffs, at 4311 Wilshire Boulevard, Suite 308, Los Angeles, California, commencing at 3:06 p.m., Tuesday, April 1, 2014, before Tara Thomas, CSR No. 8495, a Certified Shorthand Reporter for the State of California, pursuant to Notice.

\* \* \*

Appearances of Counsel:

For Plaintiffs:

LAW OFFICES OF SAMUEL OGBOGU  
By: SAMUEL OGBOGU, Attorney at Law  
4311 Wilshire Boulevard  
Suite 308  
Los Angeles, California 90010  
(213) 624-1500

LAW OFFICES OF GARY CASSELMAN  
BY: GARY CASSELMAN, Attorney at Law  
3415 S. Sepulveda Boulevard  
Suite 100  
Los Angeles, California 90034  
(310) 314-4444

For Defendants:

LAW OFFICES OF COLLINS COLLINS MUIR & STEWART  
By: ERIN R. DUNKERLY, Attorney at Law  
1100 El Centro Street  
South Pasadena, California 91030  
(626) 243-1100

Also Present:

Edward Ortega

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I N D E X

WITNESS EXAMINATION PAGE

Ronald Duval

By Mr. Casselman 5

EXHIBITS

PLAINTIFFS' IDENTIFICATION PAGE

1 Color Photocopy 52

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LOS ANGELES, CALIFORNIA

TUESDAY, APRIL 1, 2014

3:06 P.M.

\* \* \*

MR. CASSELMAN: The time is 3:06. And we're here at the offices of Samuel Ogbogu, 4311 Wilshire Boulevard, Suite 308. And we're here for the deposition of Detective Duval. I didn't ask you your first. I'm sorry.

THE WITNESS: Ronald.

MR. CASSELMAN: Of Ronald Duval.

This is the case of N.G. and L. G, et al., vs. County of Los Angeles, et al. In the U.S. District Court; CV13-008312-SVW (FFMx).

My name Gary Casselman. I'm one of the co-counsel and I am also the videocamera operator. So I'm, you know, potato peeler and chief cook and bottle washer for the deposition.

Let's just have an audio and then I'll ask the reporter to swear you in. But for the sake of the recording I want everybody to go around the room and introduce themselves.

As I said, I'm Gary Casselman. To my left.

MR. OGBOGU: Samuel Ogbogu.

1 MR. ORTEGA: Ed Ortega.

2 MS. DUNKERLY: Erin Dunkerly for  
3 defendants.

4 THE WITNESS: Ron Duval.

5 COURT REPORTER: Tara Thomas, Court  
6 Reporter.

7 MR. CASSELMAN: Okay. So now if we hear  
8 from anybody, we'll know by their voice who they  
9 are.

10 Would you swear the witness,  
11 please.

12  
13 RONALD DUVAL,  
14 the witness herein, having been  
15 first duly sworn, testified as follows:

16  
17 EXAMINATION

18 BY MR. CASSELMAN:

19 Q. And lawyers have to ask obvious  
20 questions. So what is your name and your full  
21 name and occupation, including any middle?

22 A. Ronald Raymond Duval. I'm a Deputy  
23 Sheriff for the County of Los Angeles.

24 Q. How long have you been so employed?

25 A. Thirty-one and a half years.

1 Q. Congratulations.

2 And what is your current  
3 assignment?

4 A. Homicide investigator.

5 Q. How long have you been in that  
6 position?

7 A. Almost four years.

8 Q. Four?

9 A. Almost four, yeah.

10 Q. And what training or education did  
11 you receive to qualify for that position?

12 A. I attended the Sheriff's 40-hour  
13 course on homicide investigation. I attended the  
14 40-hour course through San Jose State. It was  
15 actually in Los Gatos, but it was put on by San  
16 Jose State University on their homicide  
17 investigation. And both of those were back in  
18 1988.

19 Q. Any refreshers?

20 A. Just on-the-job. And the four  
21 years I was at homicide. The 22 years before that  
22 I was a gang investigator. So many of my cases  
23 that I had were attempted murders; so I handled  
24 those pretty much like an actual murder. They get  
25 the same sentences as someone for a murder.



1 Q. What were your duties in  
2 connection -- well, strike that.

3 Have you been deposed before; had  
4 your deposition taken?

5 A. Never.

6 Q. All right. Well, maiden voyage.

7 Let me say a few things on the  
8 record and you are the guest of honor here and so  
9 let me explain what we're doing.

10 Obviously we're attorneys; and the  
11 lady to your left, my right, is the court  
12 reporter; and I'm sure you've had plenty of  
13 experience seeing what they do. But this is  
14 outside of the courtroom context, but the oath  
15 that you've been given is the same oath that you  
16 would be given in a court of law. In this case,  
17 it's the United States District Court, not the  
18 State Court, with which you are probably familiar.

19 So not to suggest that you would do  
20 that, but if there are any allegations of perjury  
21 or obstruction of justice, those would be  
22 investigated by the FBI and it would be a Federal  
23 matter in the literal sense and prosecuted by the  
24 Justice Department; and in fact, unfortunately,  
25 there are number of deputies who are being

1 prosecuted as we speak.

2 A. I've testified plenty of times in  
3 Federal Court.

4 Q. Okay. Very good.

5 I will ask you questions and if you  
6 understand my question, unless there is an  
7 instruction not to answer by your attorney, then  
8 you'll be obliged to just answer the question.

9 Now, we go one at a time, unlike  
10 normal conversation when friends get together and  
11 everybody, you know, talks over each other.

12 The reporter is supposed to get  
13 down what everybody says and for her to do her job  
14 properly, it has to be orderly, one person at a  
15 time. Occasionally we revert, but she'll probably  
16 throw a shoe at us or something and remind us.

17 But basically just, you know, I'll  
18 ask my question, try to wait until I'm done and I  
19 will wait until you're done and your attorney  
20 might jump in. She's been known to make an  
21 objection once in awhile. And then, let her do  
22 her thing and then you can answer and then, when I  
23 don't have anymore questions, then we'll just  
24 enter into a stipulation at the end and that will  
25 be it.

1 MS. DUNKERLY: Right. And I'll let you  
2 know if we need more time.

3 MR. CASSELMAN: So stipulated.

4 MS. DUNKERLY: So stipulated it.

5 MR. CASSELMAN: One other thing.

6 If the original becomes lost or  
7 unavailable for whatever reason, we have a small  
8 dog --

9 MS. DUNKERLY: It has happen before.

10 MR. CASSELMAN: A certified copy can be  
11 used with the same force and effect as though it  
12 were an original and incorporating any changes  
13 that were timely for which timely notice was  
14 given.

15 MS. DUNKERLY: So stipulated.

16 MR. CASSELMAN: So stipulated.

17

18 (Plaintiffs' Exhibit 1 was marked for  
19 identification.)

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21 (Time ended: 4:12 p.m.)

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I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true as stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_\_, \_\_\_\_\_ (City) (State)

\_\_\_\_\_  
Ronald Duval

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )

4  
5  
6 I, Tara Thomas, CSR No. 8495, a  
7 Certified Shorthand Reporter in and for the State  
8 of California, do hereby certify:

9 That the foregoing deposition was taken  
10 before me at the time and place therein set forth,  
11 at which time the witness was put under oath by  
12 me; that the testimony of the witness and all  
13 objections made at the time of the examination  
14 were recorded stenographically by me to the best  
15 of my ability and were thereafter transcribed  
16 under my direction; that the foregoing is a true  
17 record of the testimony and of all objections made  
18 at the time of the examination.

19  
20 In witness whereof, I have subscribed my  
21 name this 7th day of April, 2014.

22 \_\_\_\_\_  
23 Tara Thomas  
24 Certified Shorthand Reporter  
25 No. 8495