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4 Attorneys for Plaintiff
ANTHONY MORALES

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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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11 ANTHONY MORALES,) CASE NO. 01-04121 (CBM) AJWx
12 Plaintiff,)
13 vs.) REQUEST FOR ADMISSIONS
14 COUNTY OF VENTURA, TONYA) UNDER RULE 36
HERBST, et al.,)
15)
16 Defendants.)
17)

18 PROPOUNDING PARTY: Plaintiff, ANTHONY MORALES

19 RESPONDING PARTY: Defendant, TONYA HERBST

20 SET NUMBER: ONE

21 TO DEFENDANT TONYA HERBST AND TO HER ATTORNEYS OF RECORD:

22 Plaintiff, ANTHONY MORALES, hereby requests that Defendant, TONYA HERBST, within
23 thirty (30) days after service of this request to make the following admissions for the purpose of this action
24 only and subject to all pertinent objections to admissibility which may be interposed at trial:

25 DEFINITIONS

26 Unless the context clearly indicates otherwise, the following words and phrases are defined and used
27 herein as follows:

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- 1 A. "YOU" and "YOURS" refers to Defendant, TONYA HERBST.
- 2 B. "INCIDENT" includes the circumstances and events surrounding the alleged arrest,
3 accident, injury or other occurrence giving rise to this action.
- 4 C. "COMMUNICATION" means, unless otherwise specified, any of the following:
- 5 (1) any letter, memorandum or other document exchanged, received, or transmitted;
- 6 (2) any oral conversation between two or more persons, whether such conversation was
7 by chance or pre-arranged, formal or informal, by telephone or in person;
- 8 (3) any meeting between two or more persons, whether such contact was by chance or
9 pre-arranged, formal or informal, or
- 10 (4) any document summarizing or describing such document, exchange, oral
11 communication or meeting.
- 12 D. "DOCUMENT" means all written, typewritten, printed, recorded or graphic matters,
13 however produced or reproduced, whether draft or final, whether signed or unsigned, This definition
14 includes any and all of the following: papers; records; notes; summaries; schedules; press releases; reports;
15 memoranda of telephone or in-person conversation by or with any person; letters; telegrams; telexes; tapes;
16 transcripts; recordings; photographs; pictures; films; computer programs; data printouts; discs; any kind of
17 electronically or mechanically recorded materials; or any other graphic, symbolic, recorded or written
18 materials of any nature whatsoever. Any copy of a document which contains any comments, notations,
19 addition, insertion, or marking of any kind is to be considered a separate document.
- 20 E. "EVIDENCE" means and refers to testimony, material objects, or other things presented
21 to the senses that may be offered to prove the existence or nonexistence of a fact, and all writings and other
22 things included in the original and any copy of any written, recorded, filmed or graphic matter, whether
23 produced or reproduced on papers, cards, tapes, film, electronic facsimile, computer storage devices or any
24 other media, including, but not limited to, writings (as defined in California Evidence Code § 250),
25 memoranda, notes, minutes, records, photographs, movies, video-tapes, audio recordings, correspondence,
26 telegrams, telexes, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports,
27 studies, charts, graphs, statements, notebooks, handwritten notes, plans, architectural drawings, applications,
28 proposals, agreements, books, pamphlets, articles, leaflets, appointment calendars, work papers, and notes,

1 records and recordings of oral conversations.

2 F. "PERSON" means and refers to any natural person, individual, corporation, partnership,
3 proprietorship, joint venture, governmental entity, and any other public or private entity.

4 REQUESTS FOR ADMISSIONS

5 1. Admit that you filed a false police report against your ex-husband, Michael Maciorski..

6 2. Admit that you falsified complaints of spousal abuse against your ex-husband, Michael
7 Maciorski.

8 3. Admit that you falsified a declaration under penalty of perjury alleging spousal abuse against
9 your ex-husband, Michael Maciorski, in order to obtain a restraining order against him.

10 4. Admit that a police report, prepared in connection with charges of spousal abuse filed against
11 your ex-husband, Michael Maciorski, contained false statements.

12 5. Admit that you told Sgt. Devers of the Ventura County Sheriff's Department that a police
13 report, prepared in connection with charges of spousal abuse filed against your ex-husband, Michael
14 Maciorski, contained false statements.

15 6. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, you
16 received an unsatisfactory grade, score, or rating in a course entitled "Shoot/No-Shoot".

17 7. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, you
18 received an unsatisfactory grade, score, or rating in a course entitled, "Duck and Cover".

19 8. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, you
20 received an unsatisfactory grade, score, or rating in a course entitled, "Judgment Scenario".

21 9. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, you
22 were required to repeat a course entitled, "Shoot/No-Shoot", more than once.

23 10. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, you
24 were required to repeat a course entitled, "Duck and Cover", more than once.

25 11. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, you
26 were required to repeat a course entitled, "Judgment Scenario", more than once.

27 12. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, during
28 a course entitled "Shoot/No-Shoot", you misidentified a civilian as a perpetrator and shot the civilian rather

1 than the perpetrator.

2 13. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, during
3 a course entitled "Duck and Cover", you misidentified a civilian as a perpetrator and shot the civilian rather
4 than the perpetrator.

5 14. Admit that while a cadet at the Ventura County Criminal Justice Training Academy, during
6 a course entitled "Judgment Scenario", you misidentified a civilian as a perpetrator and shot the civilian
7 rather than the perpetrator.

8 15. Admit that prior to May 20, 2000, you had never fired a weapon, including your service
9 revolver, in the line of duty.

10 16. Admit that on May 20, 2002, you had been assigned as a patrol officer less than four (4)
11 months.

12 17. Admit that on May 20, 2002, your training officer was Deputy Scott Horton.

13 18. Admit that on May 20, 2002, while on duty, Deputy Scott Horton was your immediate
14 supervisor.

15 19. Admit that upon your arrival at the Veteran's Memorial Building in Fillmore on May 20,
16 2000, and before making visual contact with plaintiff and his son, Chad Morales, you had already made a
17 decision that you were going to fire your weapon.

18 20. Admit that on May 20, 2000, as you walked through the Veteran's Memorial Building, you
19 were at all times directly behind Deputy Scott Horton.

20 21. Admit that on May 20, 2000, as you approached the rear exit of the Veteran's Memorial
21 Building, you were positioned directly behind Deputy Scott Horton.

22 22. Admit that on May 20, 2000, while inside the Veteran's Memorial Building, Chad Morales'
23 weapon discharged.

24 23. Admit that on May 20, 2000, you were not outside the Veteran's Memorial Building, at the
25 time Chad Morales' weapon discharged.

26 24. Admit that on May 20, 2000, you learned that Chad Morales' weapon had discharged by
27 overhearing a broadcast of "shots fired" from one of the other deputy sheriffs present at the Veteran's
28 Memorial Building.

1 25. Admit that the alley to the rear of the Veteran’s Memorial Building was dimly lit on the night
2 of May 20, 2000.

3 26. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
4 Building, your view of the area underneath the stairwell in which plaintiff and his son, Chad Morales, were
5 standing/kneeling down was obstructed.

6 27. Admit that on the night of May 20, 2000, four (4) vehicles in the alley to the rear of the
7 Veteran’s Memorial Building provided cover for you.

8 28. Admit that on the night of May 20, 2000, at the time you claim Chad Morales brandished
9 a weapon at you in a threatening manner in the alley to the rear of the Veteran’s Memorial Building, you
10 were crouched behind a parked truck.

11 29. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
12 Building, you could not distinguish between the color of clothing being worn by plaintiff and his son, Chad
13 Morales.

14 30. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
15 Building, you could not distinguish between plaintiff and his son, Chad Morales.

16 31. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
17 Building, you misidentified plaintiff as a criminal suspect.

18 32. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
19 Building, you never had Chad Morales in your “sight picture”

20 33. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
21 Building, you were standing no more than ten (10) feet from plaintiff and his son, Chad Morales, when you
22 discharged your service revolver.

23 34. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
24 Building, no other Deputy Sheriff discharged his/her weapon other than you.

25 35. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran’s Memorial
26 Building, you intended to shoot plaintiff.

27 36. Admit that after you discharged your service revolver on the night of May 20, 2000, in the
28 alley to the rear of the Veteran’s Memorial Building, Chad Morales never moved plaintiff into the path of

1 the bullet fired from your revolver.

2 37. Admit that on the night of May 20, 2000, in the alley to the rear of the Veteran's Memorial
3 Building, you shot plaintiff in the back.

4 38. Admit that prior to the time you discharged your service revolver on the night of May 20,
5 2000, in the alley to the rear of the Veteran's Memorial Building, you heard plaintiff yell out, "I've got the
6 gun, don't shoot. I've got the gun, don't shoot."

7 39. Admit that at the time you discharged your revolver on the night of May 20, 2000, in the
8 alley to the rear of the Veteran's Memorial Building, you were closer in distance to plaintiff and his son,
9 Chad Morales, than Deputy Scott Horton.

10 40. Admit that plaintiff committed no crime on the night of May 20, 2000, in the alley to the
11 rear of the Veteran's Memorial Building.

12 41. Admit that no disciplinary action was taken against you by the Ventura County Sheriff's
13 Department as a result of your shooting of plaintiff on the night of May 20, 2000.

14 DATED: May 16, 2006

15 WILLIAMSON & KRAUSS

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18 BY: _____
19 PETER M. WILLIAMSON
20 Attorneys for Plaintiff
21 ANTHONY MORALES
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