

1 **P O R T E R | S C O T T**

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8 Attorneys for Defendants

9 STANISLAUS COUNTY, PUTHUFF, CHRISTIANSON, DUNCAN, LLOYD, SUAREZ,
10 CLIFTON, RADZA, TRUFFA, CARDOZA, AZIZ, MAULDIN, MAZE, GALLES, MEYERS
11 and WILLIAMS

12 **UNITED STATES DISTRICT COURT**

13 **EASTERN DISTRICT OF CALIFORNIA**

14 COLUMBUS ALLEN, JR., II,

No. 1:13-CV-00012-DAD-SAB

15 Plaintiff,

16 **STIPULATION AND ORDER TO EXCUSE**
17 **INDIVIDUAL DEFENDANTS FROM**
18 **ATTENDING SETTLEMENT**
19 **CONFERENCE**

20 vs.

21 STANISLAUS COUNTY, et al

22 Defendants.
23 _____/

24 The parties hereby submit the following Stipulation excusing the individual Defendants from
25 attending the Settlement Conference scheduled for February 22, 2018 before Magistrate Judge Seng.

26 Defendants submit good cause exists to excuse the attendance of the fifteen named individual
27 defendants. First, no aspect of settlement hinges upon their attendance. Employees and former
28 employees of a public entity are entitled to be defended and indemnified by the public entity upon
request in a civil action against the employee for an act or omission in the scope of employment.
See Cal. Gov. Code sec. 995. Further, the public entity shall pay any compromise or settlement. See
Cal. Gov. Code sec. 825(a). Here, Defendants have requested the County to provide, and the
County is so providing, defense of the current civil action being brought against them. Thus, any
payment of any potential settlement will not come from the individual defendants. Counsel for
Defendants will obtain the necessary authority from them.

1 Second, Defendants submit the individual defendants include duly-elected Sheriff
2 Christianson, together with some of his command staff to include Cpt. Duncan, Lts. Lloyd and
3 Clifton, as well as five deputies who remain employed with the County. Clearly, their absence
4 would have a significant impact on the operations of the Sheriff's Department, and having several of
5 deputies absent at the same time could cause scheduling problems and unnecessary overtime. In
6 addition, several defendants are retired and live out of State, and thus to require their attendance
7 would be burdensome. Several others have left employ and have other employment that would be
8 interrupted.

9 Third, Defendants submit that in addition to counsel for Defendants the undersigned, an
10 appropriate authorized County representative will be present at the Settlement conference. Please
11 note that final authority to settle is vested in the Stanislaus County Board of Supervisors, as are all
12 settlements. Thus, the attendance of an authorized County representative obviates the need for the
13 individual defendants to personally attend.

14 In light of the representation that an authorized County representative will be present,
15 counsel for Plaintiff agrees to the excuse of the individual defendants' attendance at the Settlement
16 Conference.

17
18
19 Dated: February 9, 2018

Respectfully submitted,
Shook, Hardy & Bacon L.L.P

20
21 By /s/Joan R. Camagong (authorized on 2/8/18)
22 Joan R. Camagong
23 Attorneys for Plaintiff

24 Dated: February 9, 2018

PORTER SCOTT
A PROFESSIONAL CORPORATION

25
26 By /s/ John R. Whitefleet
27 John R. Whitefleet
28 Attorneys for Defendants
STANISLAUS COUNTY, PUTHUFF
CHRISTIANSON, DUNCAN, LLOYD,
SUAREZ, CLIFTON, RADZA, TRUFFA,

CARDOZA, MAULDIN, MAZE, MEYERS,
GALLES and WILLIAMS

ORDER

Good cause appearing, Defendants PUTHUFF, CHRISTIANSON, DUNCAN,
LLOYD, SUAREZ, CLIFTON, RADZA, TRUFFA, CARDOZA, AZIZ, MAULDIN, MAZE,
GALLES, MEYERS and WILLIAMS are hereby excused from personal attendance at the
February 22, 2018, Settlement Conference before the undersigned.

IT IS SO ORDERED.

Dated: February 9, 2018

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE