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 16 **County of Kern, et al.**

17 **UNITED STATES DISTRICT COURT**
 18 **EASTERN DISTRICT OF CALIFORNIA**

19 **JOHN SCALIA, individually and as**
 20 **successor-in-interest of Decedent,**
 21 **KIMBERLY MORRISSEY-SCALIA,**

22 **Plaintiff,**

23 **v.**

24 **COUNTY OF KERN, a municipal**
 25 **corporation, Kern County Hospital**
 26 **Authority, a public entity and/or agency**
 27 **of the COUNTY OF KERN, Kern County**
 28 **Sheriff DONNY YOUNGBLOOD, Kern**
County Sheriff's Sergeant JOEL
SWANSON, Kern County Sheriff's
Detention Deputies RANDI ALLEN and
MISTY MILLER, Kern County Hospital
Authority Staff Nurse ROWENA P.
BLAKELY, R.N., and DOES 1-100,
Jointly and Severally,

Defendants.

CASE NO.: 1:17-CV-01097 LJO JLT

STIPULATION TO DISMISSAL OF
CERTAIN CLAIMS AGAINST THE
COUNTY OF KERN BASED UPON
ALLEGED POLICIES, PRACTICES AND
CUSTOMS OF THE KERN COUNTY
SHERIFF'S OFFICE ACTS AND/OR
ACTS AND OMISSIONS OF KERN
COUNTY SHERIFF EMPLOYEES

[Filing fee exemption for government
entity pursuant to Government Code §
6103]

1 WHEREAS the parties have met and conferred for the purpose of determining
2 whether issues can be resolved without the necessity of the filing of a motion for
3 summary judgment and/or adjudication, as required by the Court's Scheduling Order in
4 this matter (Doc. No. 39).

5 IT IS HEREBY STIPULATED BY AND BETWEEN PLAINTIFF, JOHN SCALIA
6 and DEFENDANT, COUNTY OF KERN, by and through their respective attorneys of
7 record, that the following claims against the COUNTY OF KERN, **only to the extent**
8 **said claims are based upon the alleged acts or omissions of the Kern County**
9 **Sheriff's Office and/or Kern County Sheriff's Office employees as distinguished**
10 **from Kern Medical Center**, in this case be dismissed from this action, each side to
11 bear their own costs:

12 1. As to the Second Cause of Action of Plaintiff's First Amended Complaint,
13 all claims against the County of Kern contained therein which allege *Monell* and/or
14 Supervisory Liability predicated upon Kern County Sheriff Office policies, practices and
15 customs and the alleged ratification of any acts or omissions of Kern County Sheriff's
16 Office employees pursuant to said policies, practices and customs are DISMISSED.

17 2. As to the Third Cause of Action of Plaintiff's First Amended Complaint, all
18 claims against the County of Kern contained therein which pursuant to Civil Code
19 Section 52.1(b) and which are predicated upon Kern County Sheriff's Office policies,
20 practices and customs, and/or the acts or omissions of Kern County Sheriff's Office
21 employees are DISMISSED.

22 3. As to the Fourth Cause of Action of Plaintiff's First Amended Complaint,
23 all claims against the County of Kern based upon Government Code Section 845.6 are
24 DISMISSED.

25 4. As to the Fifth Cause of Action of Plaintiff's First Amended Complaint, all
26 claims against the County of Kern contained therein which are based upon Negligence
27 and which are predicated upon Kern County Sheriff's Office policies, practices and
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