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9 Attorneys for: Defendants County of Del Norte, Del Norte County Sheriff  
 10 Department, Dean Wilson, Bill Steven, James Couzens (sued herein  
 11 as John Doe 1), Mike Seamen, James Burke (sued herein as John  
 12 Doe 2), Sergeant Brett Fox (sued herein as John Doe 3) and Gary  
 13 Potter

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

12 JAMES DANIS,	)	NO. CV 09 5924 CRB
	)	
13 Plaintiff,	)	<b>STIPULATION AND ORDER</b>
	)	<b>REGARDING FILING AMENDMENT</b>
14 vs.	)	<b>TO ANSWER TO COMPLAINT</b>
	)	
15 COUNTY OF DEL NORTE; DEL NORTE	)	
16 COUNTY SHERIFF DEPARTMENT; DEAN	)	
17 WILSON; BILL STEVEN; JOHN DOE 1,	)	
18 A.K.A. OFFICER COUSINS; MIKE SEAMEN;	)	
19 JOHN DOE 2, AKA OFFICER BURKE; JOHN	)	
20 DOE 3, A.K.A. SERGEANT FOX; GARY	)	
POTTER; SUTTER HEALTH; SUTTER COAST	)	
HOSPITAL; and DOES 4 through 15, inclusive,	)	
21 Defendants.	)	

22 On February 18, 2010, defendants County of Del Norte, Del Norte County Sheriff  
 23 Department, Dean Wilson, Bill Steven, James Couzens (sued herein as John Doe 1), Mike Seamen,  
 24 James Burke (sued herein as John Doe 2), Sergeant Brett Fox (sued herein as John Doe 3) and Gary  
 25 Potter filed their answer to complaint and demand for jury. Defendants' answer includes sixteen  
 26 affirmative defenses. The parties hereto stipulate and agree that said defendants may file an  
 27 amendment to their answer to include a seventeenth affirmative defense alleging that plaintiff failed  
 28

**STIPULATION AND ORDER RE FILING AMENDMENT TO ANSWER TO COMPLAINT**  
**CASE NO. CV 09 5924 CRB**

1 to exhaust his administrative remedies prior to filing the present action. The parties stipulate and  
2 agree that said defendants may file the amendment to their answer to the complaint to include the  
3 following affirmative defense:

4 As a seventeenth affirmative defense to plaintiff's complaint,  
5 defendants allege that plaintiff failed to exhaust his administrative  
6 remedies prior to filing this action, and as such, the complaint, and  
7 each cause of action thereof, is barred.

8 DATED: April 1, 2010

SANFORD WITTELS & HEISLER LLP

9  
10 By: /s/ Thomas Marc Litton  
11 THOMAS MARC LITTON  
12 Attorneys for Plaintiff James Danis

13 DATED: April 1, 2010

JONES & DYER

14  
15 By: /s/ Mark A. Jones  
16 MARK A. JONES  
17 Attorneys for Defendants County of Del Norte,  
18 Del Norte County Sheriff Department, Dean  
19 Wilson, Bill Steven, James Couzens (sued  
20 herein as John Doe 1), Mike Seamen, James  
21 Burke (sued herein as John Doe 2), Sergeant  
22 Brett Fox (sued herein as John Doe 3) and Gary  
23 Potter

21 DATED: April 1, 2010

22 LA FOLLETTE, JOHNSON, DE HAAS,  
23 FESLER & AMES

24 By: /s/ Larry Thornton  
25 LARRY THORNTON  
26 Attorneys for Defendants Sutter Health and  
27 Sutter Coast Hospital  
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**ORDER**

The court having considered the foregoing stipulation of the parties, the court hereby orders that defendants County of Del Norte, Del Norte County Sheriff Department, Dean Wilson, Bill Steven, James Couzens (sued herein as John Doe 1), Mike Seamen, James Burke (sued herein as John Doe 2), Sergeant Brett Fox (sued herein as John Doe 3) and Gary Potter may file an amendment to their answer to the complaint to include a seventeenth affirmative defense alleging that plaintiff failed to exhaust his administrative remedies, as specifically set forth in the stipulation.

DATED: April 6, 2010

