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 RUBEN J. RUIZ

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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 12 RUBEN J. RUIZ,

13 Plaintiff,

14 v.

15 CORRECTIONAL OFFICER M.
 SAWAYA, et al.,

16 Defendants.
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Case No. 11-3126 JST (PR)

**STIPULATION TO AMEND COMPLAINT
 TO REINSTATE COMMON LAW
 CLAIMS; ~~PROPOSED~~ ORDER**

18 Plaintiff Ruben J. Ruiz (“Plaintiff”) and defendants M. Sawaya, N. Daharsh, and J. Shaw
 19 (“Defendants”) enter the following stipulation:

20 WHEREAS on June 24, 2011, Plaintiff filed his complaint which includes claims under
 21 the Civil Rights Act, 42 U.S.C. § 1983 as well as common law claims under California law for
 22 assault and battery and negligence (Doc. 1);

23 WHEREAS on October 20, 2011 the Court issued an order directing Defendants to file a
 24 dispositive motion, in which the Court dismissed Plaintiff’s state law claims without prejudice
 25 and provided that “Plaintiff may amend his complaint to include such claims if his complaint
 26 survives summary judgment.” (Doc. 5);

27 WHEREAS Plaintiff’s complaint has survived summary judgment, as the Court denied
 28 Defendants’ motion for summary judgment by order dated October 5, 2013 (Doc. 88);

1 WHEREAS the Court has scheduled a trial date and has instructed Plaintiff to bring any
2 motion to amend the complaint by September 26, 2014 (Docs. 108, 109); and

3 WHEREAS the parties have now determined that Plaintiff has satisfied the pre-suit
4 requirement for tort claims under California Government Code § 905, et seq. by timely presenting
5 a claim for damages to the California Victims Compensation and Government Claims Board
6 (VCGCB) within six months of the subject incident;

7 NOW, THEREFORE, Plaintiff and Defendants agree that Plaintiff's original complaint on
8 file herein shall be deemed to be amended to include his causes of action for assault, battery and
9 negligence under the common law of California, and that such claims be considered reinstated for
10 purposes of trial in this action.

11 Defendants further agree to file answers to the complaint, as amended, within thirty (30)
12 days of execution of this stipulation.

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14 Dated: September 19, 2014

SCHIFF HARDIN LLP

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16 By: /s/ Robert B. Mullen
17 Robert B. Mullen
Attorneys for Plaintiff Ruben J. Ruiz

18 Dated: September 19, 2014

KAMALA D. HARRIS
Attorney General of California
JAY C. RUSSELL
Supervising Deputy Attorney General

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22 By: /s/ Giam M. Nguyen
GIAM M. NGUYEN
Deputy Attorney General
Attorneys for Defendants
M. Sawaya, N. Daharsh, and J. Shaw

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