1 2 3 4 5 6 7	SCHIFF HARDIN LLP Robert B. Mullen (SB #136346) rmullen@schiffhardin.com One Market Spear Tower, Suite 3200 San Francisco, CA 94105 Telephone: 415.901.8700 Facsimile: 415.901.8701 Attorneys for Plaintiff RUBEN J. RUIZ		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
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11			
12	RUBEN J. RUIZ,	Case No. 11-3126 JST (PR)	
13	Plaintiff,	STIPULATION TO AMEND COMPLAINT	
14	v.	TO REINSTATE COMMON LAW CLAIMS; [PROPOSED] ORDER	
15	CORRECTIONAL OFFICER M. SAWAYA, et al.,		
16	Defendants.		
17	Derendants.		
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);		
IN LLP LAW SCO		STIPULATION TO AMEND COMPLAINT TO REINSTATE COMMON LAW CLAIMS; [PROPOSED] ORDER	

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1	WHEREAS the Court has sche	duled 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.		
13			
14	Dated: September 19, 2014	SCHIFF HARDIN LLP	
15			
16		By: /s/ Robert B. Mullen Robert B. Mullen	
17		Attorneys for Plaintiff Ruben J. Ruiz	
18	Dated: September 19, 2014	KAMALA D. HARRIS Attorney General of California	
19		JAY C. RUSSELL Supervising Deputy Attorney General	
20		Supervising Deputy Automety General	
21		By: /s/ Giam M Nouven	
22		By: <u>/s/ Giam M. Nguyen</u> GIAM M. NGUYEN Deputy Attorney General	
23		Attorneys for Defendants M. Sawaya, N. Daharsh, and J. Shaw	
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28 Schiff Hardin LLP		- 2 -	
Attorneys At Law San Francisco		STIPULATION TO AMEND COMPLAINT TO REINSTATE COMMON LAW CLAIMS; [PROPOSED] ORDER	

1			
1	Certification of Compliance with N.D. Cal. L.R. 5.1(i)(3)		
2	I hereby certify that pursuant to N.D. Cal. L.R. 5.1(i)(3), I have obtained the authorization		
3	from the above signatories to file the above-referenced document, and that the above signatories concur in the filing's content. I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 19, 2014.		
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7	SCHIFF HARDIN LLP		
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9	By: /s/ Robert B. Mullen		
10	Robert B. Mullen Attorneys for Plaintiff		
11	Rubin J. Ruiz		
12			
13	IT IS SO ORDERED.		
14	STATUS CA		
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16	Dated: September 23, 2014		
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18	SF\321194332.1		
19	Judge J		
20	DISTRICT OF CS		
21	DISTRICT		
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