

LAW OFFICES OF DAVID DIBBLE

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Attorneys for Plaintiff Andrew Hamer

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREW HAMER,

Plaintiff,

vs.

CITY OF EUREKA; COUNTY OF
HUMBOLDT; CITY OF ARCATA; STATE
OF CALIFORNIA, DEPARTMENT OF THE
HIGHWAY PATROL; TERRY LILES,
MURL HARPHAM; BILL NOVA; JOHN
DOE 1,

Defendants.

) Case No. CV 12 -6077-JSW

) **STIPULATION FOR LEAVE TO FILE**
) **FIRST AMENDED COMPLAINT;**
) **DECLARATION IN SUPPORT**
) **THEREOF; ORDER**

STIPULATION

The parties to this action hereby stipulate that plaintiff be granted leave to file the proposed First Amended Complaint, a copy of which is attached hereto as Exhibit 1.

DATED: April 29, 2013 LAW OFFICES OF DAVID DIBBLE

By: 
David P. Dibble, Esq.
Attorneys for Plaintiff Andrew Hamer

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1 DATED: MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

2
3 By: _____
4 Nancy K. Delaney, Esq.
5 Attorneys for defendants City of Eureka, City of
6 Arcata, Terry Liles, Murl Harpham and Bill Nova

7 DATED: ZWERDLING, BRAGG & MAINZER, LLP

8
9 By: W. R. Bragg
10 William R. Bragg, Esq.
11 Attorneys for defendant County of Humboldt

12 **DECLARATION OF DAVID P. DIBBLE, ESQ. IN SUPPORT OF STIPULATION FOR**
13 **LEAVE TO FILE FIRST AMENDED COMPLAINT**

14 I, DAVID P. DIBBLE, declare:

15 That I am an attorney at law admitted to practice before this Court and all courts
16 of the State of California and have my offices in Eureka, Humboldt County, California, and am
17 one of the attorneys for the plaintiff in the within action. That I have personal knowledge of the
18 following facts and if called upon to testify could competently testify thereto.

19 Upon the filing of the Complaint in this action, plaintiff was unaware of the
20 identity of one of the law enforcement personnel that assisted in the restraint and detention of
21 plaintiff on the morning of November 11, 2011. In addition, plaintiff was unaware of the
22 employer of that person. Accordingly, that person was named in the Complaint as John Doe 1
23 and the agencies participating in this enforcement action were named as his employer.

24 Since filing the complaint, defendant County of Humboldt has identified that
25 person as Humboldt County Sheriff Deputy James Mowrey. Accordingly, plaintiff desires to file
26 a First Amended Complaint naming Deputy Mowrey in place and in stead of defendant John Doe
27 1. Plaintiff has also agreed to dismiss the City of Arcata upon its representation that none of its
28 personnel were involved in the restraint and detention of plaintiff. The proposed First Amended
Complaint incorporates these changes.

I declare under penalty of perjury that the foregoing is true and correct.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this 29th day of April, 2013 at Eureka, Humboldt County,

3 California.

4 
5 _____
6 David P. Dibble, Esq.

7 **ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 DATED: April 29, 2013

10 
11 _____
12 Hon. Jeffrey S. White, Judge