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Attorneys for the Plaintiffs CHRISTOPHER WROTH
And MARNI WROTH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

CHRISTOPHER WROTH and MARNI
WROTH,

Plaintiffs,

v.

CITY OF ROHNERT PARK, DAVID SITTING-
WATTSON, SEAN HUOT, and DOES 1-25,
inclusive.

Defendants.

Case No. 3:17-cv-05339-JST

**STIPULATION AND ~~PROPOSED~~ ORDER
FOR PLAINTIFFS TO FILE A FIRST
AMENDED COMPLAINT FOR DAMAGES**

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WHEREAS Plaintiffs Christopher Wroth and Marni Wroth filed a complaint on September 14, 2017, Case. No. 3:17-cv-05339-JST, which alleged constitutional violations relating to the death of their son, Branch Wroth, while in the custody of the defendants; and

WHEREAS during the course of discovery, Plaintiffs identified Officer Matt Huot, Officer Mike Werle, and Sergeant Eric Matzen as integral participants in these constitutional violations;

IT IS HEREBY STIPULATED by and between the parties hereto, through their attorneys of record, that Plaintiffs CHRISTOPHER WROTH and MARNI WROTH may file a First Amended Complaint, attached hereto as Exhibit 1.

Dated: June 14, 2018

SCOTT LAW FIRM

By: /s/John Houston Scott
John Houston Scott
Attorneys for Plaintiffs

Dated: June 14, 2018

SCHWAIGER LAW FIRM

By: /s/Izaak D. Schwaiger
Izaak D. Schwaiger
Attorneys for Plaintiffs

Dated: June 14, 2018

**GEARY SHEA O'DONNELL
GRATTAN & MITCHEL, P.C.**

By: /s/Raymond J. Fullerton
Raymond J. Fullerton
Attorneys for Defendants

SCOTT LAW FIRM
1388 SUTTER STREET, SUITE 715
SAN FRANCISCO, CA 94109

ELECTRONIC CASE FILING ATTESTATION

I, John Houston Scott, am the ECF user whose identification and password are being used to file the foregoing documents. Pursuant to Civil Local Rule 5.1(i), I hereby attest that concurrence in the filing of these documents has been obtained from each of its signatories.

Dated: June 14, 2018

SCOTT LAW FIRM

By: /s/John Houston Scott

John Houston Scott
Attorneys for Plaintiffs

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore, the Court GRANTS plaintiffs CHRISTOPHER WROTH AND MARNI WROTH leave to file a First Amended Complaint within ten (10) calendars days of the date of this Order.

IT IS SO ORDERED.

Dated: June 18, 2018



THE HONORABLE JON S. TIGAR

Exhibit 1

1 John Houston Scott (SBN 72578)
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10 Attorneys for Plaintiffs CHRISTOPHER WROTH
AND MARNI WROTH

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15
16 CHRISTOPHER WROTH and MARNI
WROTH,

17 Plaintiffs,

18 v.

19 CITY OF ROHNERT PARK, DAVID
20 SITTIG-WATTSON, SEAN HUOT, MATT
HUOT, MIKE WERLE, ERIC MATZEN and
21 DOES 1-25,

22 Defendants.

Case No. 3:17-cv-05399-JST

**FIRST AMENDED COMPLAINT FOR
DAMAGES**

(42 U.S.C. § 1983)

JURY TRIAL DEMANDED

23 PLAINTIFFS CHRISTOPHER WROTH and MARNI WROTH complain of Defendants
24 and alleges as follows:

25 **JURISDICTION AND VENUE**

26 1. This action arises under 42 U.S.C. §1983. Jurisdiction is conferred by virtue of 28
27 U.S.C. §§ 1331 and 1343.

1 body. Branch cried for help as his face was forced straight down into the carpet. He cried out, “I
2 can’t breathe!” The five officers continued to suffocate him to death.

3 16. As a result of said acts and omissions, Branch Wroth died while in the custody and
4 under the control of Defendants David Sittig-Wattson, Sean Huot, Matt Huot, Mike Werle, and
5 Eric Matzen.

6 **STATEMENT OF DAMAGES**

7 12. As a result of the acts and/or omissions of Defendants, and each of them,
8 Plaintiffs suffered the loss of the familial association of their son, including society, comfort, and
9 affection, in amounts to be determined according to proof.

10 13. As a result of the acts and/or omissions of Defendants, and each of them, the
11 Plaintiffs suffered the loss of the services and economic support of their son in amounts to be
12 determined according to proof.

13 14. The acts and/or omissions of Defendants David Sittig-Wattson, Sean Huot, Matt
14 Huot, Mike Werle, and Eric Matzen were willful, wanton, reckless, malicious, oppressive and/or
15 done with a conscious or reckless disregard for the rights of the decedent and the plaintiffs, who
16 seek punitive and exemplary damages against these individuals according to proof.

17 15. Plaintiffs have retained private counsel to represent them in this matter and are
18 entitled to an award of attorneys’ fees.

19
20 **FIRST CAUSE OF ACTION**
21 **(42 U.S.C. SECTION 1983)**
22 **[DEPRIVATION OF FAMILIAL RELATIONSHIP]**

23 16. Plaintiffs hereby re-allege and incorporate by reference as though fully set forth
24 herein all prior paragraphs of this Complaint.

25 17. By and through the acts and omissions alleged herein, Defendants David Sittig-
26 Wattson, Sean Huot, Matt Huot, Mike Werle, Eric Matzen, and DOES 1-25, deprived Plaintiffs of
27 the familial relationship with their son thereby violating said Plaintiffs’ rights under the First and
28

1 Fourteenth Amendments of the United States Constitution. The defendants acted with deliberate
2 indifference and/or a purpose to harm Branch Wroth thus causing his death.

3 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

4 **SECOND CAUSE OF ACTION**

5 **[42 U.S.C. §1983 – RATIFICATION AGAINST CITY OF ROHNERT PARK]**

6 18. All allegations set forth in this Complaint are hereby incorporated by reference.

7 19. Brian Masterson, Director of Public Safety, had final policymaking authority for
8 the City of Rohnert Park concerning the acts police officers within his chain of command.

9 20. Plaintiffs allege on information and belief that Masterson ratified the acts and
10 omissions of Defendants David Sittig-Wattson, Sean Huot, Matt Huot, Mike Werle, and Eric
11 Matzen. He reviewed and specifically approved their acts and omissions alleged herein and the
12 reasons for them.

13 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

14 **PRAYER**

- 15 1. For compensatory damages according to proof;
16 2. For general damages according to proof;
17 3. For an award of punitive and exemplary damages against individual defendants
18 according to proof;
19 4. For costs and attorneys' fees; and
20 5. For such other relief as the Court may deem proper.
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JURY TRIAL DEMAND

Plaintiffs hereby request a jury trial on all issues so triable.

Dated: June 14, 2018

SCOTT LAW FIRM
/s/ John Houston Scott
John Houston Scott
Attorney for Plaintiff

Dated: June 14, 2018

SCHWAIGER LAW FIRM
/s/ Izaak David Schwaiger
Izaak David Schwaiger
Attorney for Plaintiff

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